

INTRADEPARTMENTAL CORRESPONDENCE

March 31, 2015
1.0

BPC #15-0073

TO: The Honorable Board of Police Commissioners

FROM: Inspector General, Police Commission

SUBJECT: REVIEW OF THE DIGITAL IN-CAR VIDEO SYSTEM

RECOMMENDED ACTION

REVIEW and APPROVE the Office of the Inspector General's (OIG) Review of the Digital In-Car Video System (DICVS).

DISCUSSION

In this report, the OIG examines the use of the DICVS by the Los Angeles Police Department (Department). In light of the pending implementation of on-body cameras throughout the Department and the expansion of the DICVS to Operations-Central Bureau, the OIG set out to determine how the in-car video program was working and to identify any improvements that should be considered in developing policies for the system. In doing so, the OIG primarily focused on the use of the system by officers during pedestrian and motor vehicle stops and the state of the resulting footage, rather than on the technology or the system itself. Because in-car video technology is currently limited to the Department's Operations-South Bureau, the OIG focused on stops made in that Bureau.

As a result of the OIG's findings, the OIG and the Department have worked together to develop improvements to the operation of the in-car video system. These improvements are detailed at the conclusion of this report.

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

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

ALEXANDER A. BUSTAMANTE
Inspector General
Police Commission

Attachment

LOS ANGELES POLICE COMMISSION

REVIEW OF THE DIGITAL IN-CAR VIDEO SYSTEM



OFFICE OF THE INSPECTOR GENERAL

ALEXANDER A. BUSTAMANTE
Inspector General

March 31, 2015

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	BACKGROUND	2
	A. Digital In-Car Video System	3
	B. Daily Field Activities Report	5
	C. Automated Field Data Report.....	6
III.	THE OIG’S REVIEW.....	7
	A. Review of Operation-South Bureau’s Stops	7
	1. Video Coverage	7
	2. Audio Quality.....	10
	3. Review of Officer Actions	10
	B. Audits and Inspections	12
IV.	CONCLUSION.....	13

REVIEW OF THE DIGITAL IN-CAR VIDEO SYSTEM

I. INTRODUCTION

In this report, the Office of the Inspector General (OIG) examines the use of the Digital In-Car Video (DICVS or “in-car video”) by the Los Angeles Police Department (LAPD or Department). In light of the pending implementation of on-body cameras throughout the Department and the expansion of DICVS to Operations-Central Bureau (OCB), the OIG set out to determine how the in-car video program was working and to identify any improvements that should be considered in developing policies for the system. In doing so, the OIG primarily focused on the use of the system by officers during pedestrian and motor vehicle stops and the state of the resulting footage, rather than on the technology or the system itself. Because in-car video technology is currently limited to the Department’s Operations-South Bureau (OSB), the OIG focused on stops made in that Bureau.

The advent of DICVS technology has been a great benefit to the Department and the OIG in investigating and reviewing events involving complaints of officer misconduct, officer-involved shootings and other uses of force, vehicle pursuits, traffic collisions, and other issues. Where available, in-car video or audio evidence has enabled the Department, in many cases, to refute false allegations, as well as to hold its employees accountable for those incidents where misconduct has occurred. The Department has repeatedly improved and strengthened the policies and procedures governing the use of DICVS technology. The OIG’s review of in-car video footage for this report focused on the existing policies and procedures in an effort to assist the Department in identifying additional areas to improve the process.

Department policy requires officers assigned to a DICVS-equipped vehicle to activate the system during the initiation of all motor vehicle stops and, when “practicable,” all pedestrian stops.¹ For this report, the OIG reviewed, along with other documentation, any available footage of 300 motor vehicle and pedestrian stops.² Each video was analyzed to determine whether officers were complying with Department policies, as well as whether the videos provided insight into areas within existing policies and training that should be strengthened. During the review, the OIG noted that the Department’s use of in-car video for motor vehicle stops presented few areas of concern. In these cases, Department personnel routinely activated their DICVS at the beginning of the stop, and the actions of the officers were generally captured by the system. With regard to pedestrian stops, as mentioned above, current Department policy requires officers to activate the DICVS when practicable. Pedestrian stops are fluid in nature and it is therefore not uncommon for the DICVS to capture only portions of the stop due to the positioning of the officers’ vehicle. The point at which the DICVS is activated may also affect the extent to which an incident is captured. As a result, the OIG noted variations in DICVS coverage and activation in these cases.

¹ LAPD Manual 3/579.13, “Digital In-Car Video System (DICVS) Use and Deployment.” The policy also requires officers to activate the DICVS in other circumstances such as Code Three responses and pursuits, suspect transports, and other instances when, in the officer’s judgment, it would be beneficial to do so.

² Some of the stops were made by units not equipped with the DICVS technology or did not appear to be officer-initiated stops. These were excluded from further review.

To the extent that such information or footage was available, the OIG was able to determine that there was a legal basis supporting the majority of stops, although subsequent actions such as searches were more difficult to assess.

The OIG's findings in this report led the OIG and the Department to jointly develop several improvements to the operation of the DICVS system. These improvements are detailed at the conclusion of this report.

II. BACKGROUND

The Department first began tracking information about motor vehicle and pedestrian stops as a result of the 2001 Consent Decree. The program was designed to ensure that all stops, as well as any related searches or seizures, were made "on the basis of legitimate, articulable reasons consistent with the standards of reasonable suspicion or probable cause."³

To verify that this was the case -- and that officers were not using race, color, ethnicity, or national origin in conducting those activities -- the program required officers to document the actions taken during each stop, as well as the demographic characteristics of each person detained. This information was entered into a form called the Field Data Report (FDR), which was electronically filled out in the field and transferred to a database for further analysis.⁴

In 2009, following efforts by the City to draw conclusions from the data, the program was modified -- with the approval of the United States Department of Justice (DOJ) and the Department's Independent Monitor -- to reduce the amount of information collected and to allow officers to enter the data following their return to the station.⁵ These changes were made possible, in large part, by the installation of in-car video and the requirement that all vehicle and pedestrian stops be recorded. Strongly endorsed by the Independent Monitor, the DICVS program was seen as an important initiative that would protect against biased policing by providing an accurate record of what occurred during each stop. As such, the Department's implementation of in-car video was a critical component of its completion of the Consent Decree.

³ "Non-Discrimination Policy and Motor Vehicle and Pedestrian Stops," Los Angeles Police Department Consent Decree, Paragraphs 102-105, 2001.

⁴ According to ITB, the "electronic" FDRs or the Portable Officer Data Device System (PODDS) was introduced in April 2004 and went operational Departmentwide in June 2004. The PODDS was later replaced in January 2008 with a computer web-based system.

⁵ According to the Independent Monitor, the revised data collection program "was devised as a result of the Department's inability to analyze and draw conclusions from the aggregate data and the significant expense of replacing the data collection devices [...]" For a full history of the Department's FDR program and a discussion of studies conducted with the resulting data, please see the Final Report of the Independent Monitor of the Los Angeles Police Department, June 11, 2009.

Operations-South Bureau was the first to receive in-car video, which commenced installation in late 2009.⁶ The Department expects to complete installation of the systems in OCB in early 2015.

As described below, stops and detentions conducted by LAPD officers are documented in three primary ways: on in-car video, Daily Field Activities Reports (DFARs) or other logs, and in the Automated Field Data Report (AFDR) database.⁷ As part of its review, the OIG examined each of these records, where available, for a sample of 300 vehicle and pedestrian stops to determine whether the existing records provided sufficient, accurate documentation of each stop.

A. Digital In-Car Video System

Department policy requires officers assigned to a DICVS-equipped vehicle to activate the system during the initiation of all vehicle stops and, when “practicable,” all pedestrian stops.⁸ Each system includes a front-facing camera as well as an internal camera pointing toward the back seat and incorporates up to three microphones -- one inside the car and one carried by each officer assigned to the vehicle. These portable microphones are part of a wireless transmitter unit, generally worn on the belt that allows officers to activate the system remotely and streams any audio captured by the microphone to the vehicle’s recording mechanism.

The DICVS’ front-facing camera can be activated, or triggered to record, in one of two ways. First, because officers are required to record any Code Three (lights and sirens) response or pursuit, the system is set to automatically begin recording after the light bar on top of the vehicle has been on for eight seconds. Second, officers may activate the system manually by pressing a button on their portable unit or on the vehicle’s DICVS console. The back-seat camera is also activated through the console.

In one of its most useful features, the system has a one-minute video buffer (without sound) that captures footage one minute before activation and one minute after deactivation. Audio recording, however, begins more or less immediately following activation of the system, with no pre-activation buffer. The system will continue to record both audio and video until it is manually deactivated from inside the car.⁹ Once recorded, any footage captured by the system cannot be erased by the officers and remains in the vehicle’s storage drive until it has been wirelessly uploaded into the Department’s database.

⁶ OSB primarily covers the City’s jurisdiction in the areas of South Los Angeles and the Harbor. It consists of the Southeast, Southwest, 77th Street, and Harbor geographic Areas as well as South Traffic Division and Criminal Gang Homicide Division.

⁷ Stops may also be documented in more detail in associated reports, such as arrest reports or use of force investigations. The majority of stops reviewed by the OIG did not result in arrest; none involved a use of force.

⁸ LAPD Manual 3/579.13.

⁹ The system may also automatically turn off after a period of time when the vehicle is off in order to preserve battery life.

The DICVS footage is separated into individual clips representing each time a camera was activated. Each clip is searchable by an officer's name or serial number, date, and can be viewed by authorized users on any network computer equipped with the DICVS software.

Policy Improvements

Since the initial implementation of in-car video technology, OSB has enacted several additional Bureau-specific policies to improve and enhance the in-car video program based on its experiences with the system. Along with the policies set forth in the original DICVS Special Order, which sets forth the conditions under which the DICVS must be activated, OSB has adopted the following additional requirements:

- All personnel must be trained in the DICVS prior to their field assignment.
- Officers must inspect the system in their assigned vehicle to ensure that it is operating properly. They must activate each microphone before starting their shift, verify its condition, and document their findings on their daily log. In the event of a malfunction, officers are required to complete a "bad order" slip and immediately notify a supervisor.
- Officers must inspect the condition of their cradle port antenna (located inside the vehicle) on each shift and document the findings on the daily log. Supervisors are required to conduct at least two cradle port and two microphone antenna inspections each day and document these on their daily log.
- As described in the later section on audits, each Area must conduct employee assessments, designed to check for officer compliance with Department policy, a minimum of four days a week. The findings from these assessments must be collected on a compliance matrix, with any failure of compliance to be forwarded to the Watch Commander or Officer in Charge.
- Once the system has been activated, it must remain activated until the entire incident or field contact has ended. Whenever a suspect is transported in the vehicle, the system must be activated prior to his or her being placed in the back seat and left activated until the person has been removed from the vehicle.
- There will be quarterly meetings of Area DICVS coordinators and OSB.
- All Areas must maintain a standardized inventory tracking list of all DICVS equipment assigned to their Area, to include a record of any servicing of the equipment. Each Area must conduct daily inspections of DICVS microphones, removing any broken equipment from the kitroom and making notifications.

- Officers are required to affix their microphone to their person and not leave it in the vehicle or carry it in their pocket.¹⁰

The primary component of the OIG's review of each stop in the sample was an examination of any associated DICVS footage. Where available, the OIG reviewed each DICVS clip to determine the following: 1) at what point the system was activated, 2) whether the footage captured the stop on audio and video, and 3) whether there was sufficient information to ascertain and/or verify a legal basis for each search and seizure conducted during the stop. To the extent possible, the OIG also reviewed the officers' overall encounter with the relevant subjects and documented the nature of each stop.

B. Daily Field Activities Report¹¹

The DFAR is a daily log for each unit (generally consisting of one or two officers).¹² It lists all police contacts and activities conducted during the shift, including all stops, dispatch responses, or other investigative activity. Each entry includes a number of fields to describe the activity, including the time it began and ended, the source and type of the activity, and a summary of its disposition. Each entry also has fields for cross-referencing additional reports, such as Field Data Reports, arrest reports, or citations.

The Department has recently implemented an electronic version of the DFAR, called the E-DFAR or Computer Aided Dispatch (CAD) Summary Report, which pulls information about each incident from the CAD database. Under this system, officers enter details about each activity directly into their in-car mobile computer. Notably, the new system includes a lengthy "Comments" field, in which officers are required to enter detailed information, including names of persons contacted, activities conducted, and associated report numbers. The Department began rolling out the new system, which is used by all units assigned to a vehicle with a mobile terminal, in August 2014.

As the daily log is the primary source of documentation by officers of their activities during vehicle and pedestrian stops, the OIG requested and reviewed the report associated with each stop in its sample. The form was used to provide identifying context for the stop and to

¹⁰ See Special Order No. 45, "Digital In-Car Video System Use and Deployment – Pilot Program," October 20, 2009; OSB Order No. 1-2011, "Procedures for the Inspections of the Digital In-Car Video System," March 15, 2011; OSB Order No. 1-2012, "Deployment and Use of the Digital In-Car Video System," January 29, 2012; and OSB Order No. 2-2014, "Inspection and Documentation of the Cradle Port System Antennas and Transmitter Antennas Reference the Digital In-Car Video System (DICVS)," March 27, 2014.

¹¹ For the purpose of this report, the OIG referenced the paper version of what was commonly known as the DFAR. The new official name is the CAD Summary Report, also known as the E-DFAR.

¹² Note: Officers assigned to traffic divisions utilize a modified version of the DFAR called the Traffic Daily Field Activities Report (TDFAR). There are also different versions of the daily log, including those used by supervisory personnel.

determine whether, in conjunction with the video, the available information provided sufficient data to evaluate the stop. At the time of the OIG's review, the CAD Summary system had not yet been implemented.

C. Automated Field Data Report

The final component of the Department's system for tracking stops is the AFDR program. Upon return to the station, each unit is required to log into the AFDR system and fill out a separate report for each vehicle or pedestrian stop conducted during the shift. Along with general data about the officers and their assignment, the system also collects the following specific information for each stop:¹³

- Date and time of stop
- Address and Reporting District where the stop was conducted
- Number of people stopped by apparent race and gender
- Whether there was any post-stop activity. This field consists of a single checkbox that indicates whether the officer(s) did one or more of the following:
 - Required a driver or passenger to exit the vehicle;
 - Conducted a pat down/frisk search of an individual;
 - Asked for an individual to consent to a search and/or conducted a warrantless search.
- Any associated booking (arrest), citation, incident, or Release from Custody identification numbers.

All of the above data is entered into the AFDR database application, which allows supervisors and managers to conduct analyses of stops by date and by officer, Reporting District, shift, Area, or Bureau. Using the application, supervisors can see summaries of the overall number of stops conducted during a particular period, the race and gender of stopped persons, and a map of all stop locations. Summarized data is also reported for the entire Department, categorized by Area and Bureau, and posted publicly on a biannual basis.¹⁴

¹³ As noted above, the AFDR has been revised from the original version of the FDR, which required officers to fill out a detailed report for every person stopped. Along with the information included above, the original FDR also collected basic information on the activity conducted, including its basis and result. These fields are not included in the current AFDR system.

¹⁴ See the LAPD website at: http://www.lapdonline.org/special_assistant_for_constitutional_policing.

The OIG used the AFDR database to select its sample, using the total population of stops conducted in OSB during the month of April 2014. The OIG also used this data to obtain additional context, where possible, about each of the cases examined as part of its review.

III. THE OIG'S REVIEW

In conducting its review, the OIG examined the historical background of the Department's initiatives in this area, including Consent Decree reports, Commission records, Department reports, and outside studies; consulted with Area and Department personnel; and reviewed audit records and stop data. The OIG also completed an extensive review of 300 motor vehicle and pedestrian stops, including any associated DICVS footage, daily log entries, and AFDR data, to assess whether these provided sufficient information to evaluate individual stops and identify any potential concerns.

The primary focus of the OIG's review was an evaluation of the DICVS program. In order to evaluate the efficacy of the program, the OIG reviewed a stratified sample of 150 motor vehicle stops and 150 pedestrian stops conducted by OSB officers during the month of April 2014.¹⁵ For each case, the OIG searched for and viewed any associated DICVS footage in order to determine the extent to which the stop was captured on video and/or audio. The OIG attempted to assess whether the footage, in conjunction with information recorded on the unit's DFAR, provided sufficient information to verify the basis for the stop and any additional action taken by the officers. To the extent possible, the OIG also reviewed the content of each video to identify any potential areas of concern related to the officers' use of the DICVS, their interactions with members of the public, or legality of the actions taken during the stop.

The OIG also examined the Department's processes for auditing and reviewing DICVS footage.

A. Review of Operations-South Bureau Stops

1. Video Coverage

The first step of the OIG's review was a determination of whether there was any in-car video footage associated with each of the stops. To do this, the OIG used the DICVS application to search for clips that were recorded by the relevant officers at or near the time listed on the AFDR

¹⁵ As reported in the AFDR system. The sample included 100 vehicle and 100 pedestrian stops conducted by officers who were involved in 20 or more such stops during that month, as well as 50 vehicle and 50 pedestrian stops conducted by officers who were involved in fewer than 20 such stops during that period. While each case was randomly selected from the relevant category, the final sample is not representative of the full population of stops.

record. In general, a video clip was considered to be associated with the stop if it occurred at the time listed, or if it occurred within approximately 20 minutes of the listed time and it appeared to show the activity as reported on the associated DFAR.¹⁶

Clips that began after the stop had been completed were excluded from this category, even if they included video of that subject being transported in the vehicle. For those cases where no footage could be located, the OIG conducted research to assess whether there was a reason for the lack of footage.

The OIG's review found that 38 (13%) of the stops in its sample were made by units that were not equipped with DICVS technology, such as motorcycle or bike units. Another 21 cases were ultimately excluded from the review because they included contacts that did not appear to have been initiated by the officers, such as calls for service or a request for transport. Excluding those cases, the OIG found that officers appear to have activated their DICVS before or during the stop in approximately 93 percent of the remaining 241 cases. In 7 percent of cases, the stop did not appear to be recorded, either because the video began after the stop had ended or because it was never activated.

a. Camera View

The OIG reviewed each of the remaining 211 videos to determine the extent to which they provided video and audio coverage of the entire incident.¹⁷ In this area, there were substantial differences between the coverage of vehicle stops and pedestrian stops. The clearest difference between the stops was due to the positioning of the police vehicle. The DICVS, like other camera systems, is not designed to capture all activity outside the police vehicle. The primary camera is fixed and front-facing and generally provides a view of those activities that occur directly in front of the vehicle or those that occur to the side but several feet ahead. Therefore, activities outside the view of the front-facing camera are not captured on video, although audio footage may be recorded.

The OIG found that, because of the way vehicle stops are generally conducted, with the officers' patrol car positioned behind the stopped vehicle, most of the related activity took place in front of the camera. It was generally possible to see if a detained person was ordered to exit the vehicle or whether the car was searched. Because of the fluid nature of pedestrian stops,

¹⁶ Using information provided by the DFAR and the officers' CAD histories, the OIG was able to locate a number of stops that occurred on different dates or at different times than those listed on the AFDR. As noted, the OIG also noted several instances in which officers documented Code Three responses or other events as pedestrian stops. These clerical errors point to a need for the Department to audit the AFDR data, which is published on its website.

¹⁷ There were 14 cases where the entire video could not be viewed due to a malfunction. These were excluded from further review. The final review sample included 108 stops marked as pedestrian stops and 103 stops marked as vehicle stops.

however, they were nearly always at least partially off-camera, although it was often possible to see the person on video before the stop was made. The OIG found that approximately 69 percent of the detentions were not captured on video, with an additional 22 percent occurring partially off-camera. This is in contrast to vehicle stops, for which only approximately 20 percent occurred either entirely or partially off-camera.

There are various reasons why a pedestrian stop might not be captured on camera. The most common factor, which the OIG identified in approximately 35 percent of these cases, was the fact that officers drove past the pedestrian before making the stop.¹⁸ In an additional 12 percent of cases, the car was stopped with the person left out of view.

The OIG did not conduct a full analysis of the officers' actions in each case to determine whether they were appropriate or justified. In many cases, there may have been a good reason for the positioning of the vehicle or there may have been a need to move the suspect off camera. As such, the analysis above simply reflects a summary of the objective state of the DICVS footage and the extent to which officers' actions may be a factor. The OIG has asked the Department to review these cases to determine whether these incidents present tactical or other concerns.

b. Officers' Initiation of the DICVS

The OIG also looked at the point at which the DICVS was activated. Overall, the OIG found that approximately 55 percent of all pedestrian stop videos appeared to have been initiated at varying points after the stop began. Of these, about one third was activated within the minute following the initiation of the stop, but after the officers had exited the car and begun talking to the person. The OIG was able to ascertain this fact by viewing the one-minute pre-activation video buffer, which in these cases began as the vehicle was still moving and often captured the subject as the officers approached and initiated the stop. In the remaining pedestrian stops, when the video buffer began, the car was already stopped, in most cases with no officers or subjects in sight. In those instances, the OIG was unable to determine exactly how or when the stop began; but it appeared from the initial audio that the detention was already in progress. In contrast to these findings, the OIG noted that 88 percent of traffic stop videos began prior to or at the initiation of the detention, mostly due to the fact that activation of the light bar automatically triggers activation of the DICVS.

The Department is currently working with the OIG to develop a draft Special Order that explicitly requires officers to activate their DICVS at the initiation of a stop. The OIG also recommends that Department DICVS inspections incorporate a review of the timing of the

¹⁸ Learning Domain 21-Patrol Techniques-Chapter 2: Patrol Methodologies and Tactics-Version 5.0. Based on the California Peace Officer Standards and Training (POST) curriculum and its own best practices, the Department trains officers to avoid pulling parallel to or past a suspect in order to keep the person in view and maintain a position of tactical advantage.

activation and the positioning of subjects. Finally, the OIG recommends that the Department require better documentation of actions taken during detentions to provide context for the video and the officers' actions. As noted, pedestrian stops are particularly challenging to fully capture on the DICVS, so the supporting documentation may be critical to the evaluation of the stop. This recommendation is discussed in greater detail at the end of the report.

2. *Audio Quality*

The in-car video system is generally quite good at capturing usable audio of the event, even as officers move some distance away from the car. As a result, audio recorded by the system has proved useful in the investigation of several categorical uses of force and other critical incidents where video coverage was limited.

There are environmental factors, such as interference or ambient noise that may affect the quality of the audio. These limitations are present in any such system. In its review of stop footage, the OIG found that the recorded audio was generally sufficient to hear the interaction between the officers and the subjects, but there were some cases where it was difficult to hear what was being said. For example, the OIG noted a small number of cases where one officer's microphone did not appear to be recording any audio. The OIG did not attempt to ascertain the reason for these and other audio issues.

The OIG took particular note of the question of audio coverage due to a recent finding that a large number of DICVS antennas at Southeast Area were missing or broken. Although the impact of antenna removal on audio quality may be minimal, any intent by officers to inhibit the functioning of the system is of concern to the OIG.¹⁹ As described earlier, the Department has already taken several steps to prevent officers from tampering with DICVS antennas, including requirements that officers check their equipment and document any problems, as well as the implementation of regular field audits by supervisors. These new requirements will be included in the draft DICVS Special Order. The OIG recommends that, to the extent it has not already done so, the Department research those cases where audio issues were present to ensure that they are not the result of officers' use of the system.

3. *Review of Officer Actions*

The final component of the OIG's DICVS review was an examination of the stops themselves in an attempt to document and assess the basis for any detentions, pat downs, or full searches of a subject's person, belongings, or vehicle. The review of these issues was a driving force in the adoption of the DICVS program, which was designed, in part, to ensure that such activities were conducted on the basis of legitimate, articulable reasons consistent with constitutional and legal standards. To assist in its review of each stop, the OIG requested and received a copy of each

¹⁹ According to the Department's Information Technology Bureau, removal of the antenna may reduce the range of the wireless microphone at longer distances but should not degrade the actual quality of the audio.

associated DFAR, where available, to determine whether the combined data indicated that the stop -- at least on its face -- complied with constitutional requirements.

a. Vehicle Stops

This review was largely dependent on the quality of the video and audio captured by the DICVS. As such, the results varied in large part by the type of stop. In the case of vehicle stops, the OIG was generally able to view the entire encounter unless the subject was removed from the vehicle. Because of the more straightforward character of traffic stops, most of their associated videos also included an explanation by the officer of the reason for the stop. This was generally also referenced on the DFAR, where available. As a result of these factors, the OIG was able to verify the basis for the stop in the majority of vehicle stops, either by observing the violation on the video or by hearing the subject acknowledge the violation. Along with expired registration, the most common reasons for these stops were moving violations and equipment violations such as missing license plates.

The OIG's review also found that post-stop activity in vehicle stops was relatively uncommon. In about one-fifth of vehicle stops, the OIG observed one or more subjects being ordered to exit the vehicle. In a little over two-thirds (about 17% overall) of these cases, the subjects or their vehicles were searched.²⁰ These actions did not, as presented, appear to raise any clear concerns about the constitutional basis for the search. In approximately two-thirds of the stops, the officers allowed the subject(s) to remain inside the vehicle and the entire contact occurred in front of the camera. In the remaining 15 percent of vehicle stops, the stop took place at least partially off-camera and the OIG was unable to ascertain the extent and nature of any post-stop activity.

b. Pedestrian Stops

Pedestrian stops proved to be much more difficult to evaluate using the available data. In about 90 percent of these cases, the officers articulated a basis for the stop either on the DFAR or to the subject during the video. The most common basis provided was a violation of the California Vehicle Code, such as a failure to have a bicycle light or jaywalking. The OIG reviewed each video to see whether that basis could be corroborated. Of the above stops, the OIG was able to verify a basis for the detention in approximately 42 percent, either by observing the violation or hearing the subject acknowledge that it occurred. The OIG generally did not identify concerns with the legal basis for these detentions.²¹ In the remaining cases, the OIG was not able to verify the basis for the stop and any post-stop activity using the available footage.

²⁰ In an additional 22 percent of the cases where the person was ordered out of the vehicle (5 percent overall), the person was taken off-camera and the OIG was unable to determine what subsequently occurred.

²¹ On March 16, 2015, a small set of pedestrian stops was referred to the Department for its analysis and possible further action.

B. Audits and Inspections

The Department's review of DICVS footage falls into two primary categories. The first is the substantive examination of the footage in the course of an administrative review or investigation of an event such as a use of force, vehicle pursuit, crime, or alleged misconduct by an officer. The second category of review is a regular process of compliance monitoring conducted by individual divisions as well as by the Department's Internal Audits and Inspections Division (IAID). The Divisional inspection program, which is administered by OSB Headquarters, requires each of the geographic Areas and Patrol Divisions to review four days' worth of DICVS activity for each week. The results of these inspections are collected on a series of summary spreadsheets that state whether each officer "passed" each inspection. According to interviews conducted by the OIG, the personnel assigned to this duty must check for four discrete areas of compliance:

1. Documentation that DICVS equipment was checked at the beginning of the watch
2. Activation of the DICVS for each required activity, including all pedestrian and vehicle stops, with the video staying on until the contact has been terminated
3. Seat-belting of all transported suspects
4. Documentation that all footage was uploaded at the end of the watch

The OIG learned that Area DICVS inspections are primarily concerned with officers' compliance with written Department policy, specifically whether the video was activated. As a result, officers or supervisors conducting the inspections generally do not conduct a structured check of at what point the video was activated or the extent to which the stop can be seen or heard. Nor do reviewers actually watch the video in order to assess the officers' conduct, tactics, or decision-making. According to Department personnel, such a review would be too time-consuming and labor intensive.

The OIG did note that some divisions have begun to develop a system for tracking other concerns about officers' use of the DICVS. For example, 77th Street Area has recently developed an Access database to track feedback provided to officers regarding their use of the system, such as a failure to sync their microphones, the timeliness of the activation, or factors such as demeanor or officer initiative. The database also tracks technical issues with the system, such as frozen or otherwise malfunctioning videos. This database has recently been distributed to all of the divisions in OSB, which the OIG believes will assist with the monitoring of officers' performance with respect to the DICVS program.

The divisional process is supplemented by annual inspections of the DICVS program by IAID. Like the divisional inspections, IAID's audit process does not review the content of the video or, in its most recent audits, the quality of the footage.

IV. CONCLUSION

As previously mentioned, since implementing in-car video technology in OSB, the Department has continued to re-evaluate and strengthen the policies and training around the operation of the DICVS system. The OIG's review of DICVS system was designed to supplement the Department's efforts and identify additional areas for improvement for the system. To that end, the OIG and the Department, specifically the Commanding Officers of OSB and the Office of Operations, jointly reviewed the findings of this report and crafted several improvements to the system.

Overall, the OIG's review found that the DICVS system appears to work well in providing context and detail about many LAPD stops and detentions, particularly when combined with the officers' daily logs. This is particularly true for footage of motor vehicle stops, which, in most cases, captured the basis for the stop as well as the stop itself. For those cases, and for those pedestrian stops captured on video and audio, the resulting recording would allow supervisors and reviewers to assess officers' decisions, tactics, and demeanor in conducting those stops for the purposes of training and supervision. The OIG and the Department also found that in such cases, the DICVS footage would likely be sufficient to protect officers against unfounded allegations or to identify areas of potential concern or misconduct.

The OIG also reviewed some cases where one or more factors -- limited video coverage, delayed activation, or audio issues -- inhibited or prevented a full evaluation of what occurred during the stop. These factors were more prevalent during pedestrian stops, which tend to be more fluid than vehicle stops, and where the basis may be less straightforward, particularly when based on suspicion of criminal activity rather than an observed traffic violation. In the absence of detailed documentation of the actions taken during the contact, the OIG and the Department recognized that it may be difficult in some cases to determine or verify the basis for the stop, how the subject was approached and the detention initiated, or whether and on what basis any post-stop actions occurred.²²

The OIG concluded that, while audio or video alone may provide significant context about an incident, both are generally required for a full review of each stop, particularly those detentions that involve post-stop activity. The OIG and Department have therefore worked together to identify policy changes and other measures that will enable the Department to obtain more complete video of each stop. These measures are described below.

²² For example, officers routinely asked subjects if they were on probation or parole. The OIG noted several cases in which a subject acknowledged being on probation and was subsequently patted down or searched. Better documentation of these actions would allow the Department to assess whether officers are properly determining whether detained probationers are subject to a search clause before conducting a probation search. See "Parole and Probation Search Issues," Legal Bulletin, Legal Affairs Division, August 31, 2009.

The OIG and Department have agreed to revisions to the existing DICVS policy that would require officers to activate their DICVS at the initiation of a stop and define any effort to tamper with the in-car system as misconduct. Any deviation from this proposed DICVS policy must be clearly articulated on the DFAR, CAD Summary Report, or other daily log.

The Department requires officers to explain the reason for a detention to any person who is not cited or booked. There were some pedestrian stops where the OIG was unable to hear or identify the explanation or the reason for the stop. In these cases, it was difficult for the OIG to evaluate the totality of the stop.²³ The Department will reinforce these standards by providing officers with additional guidance and training requiring them to document, in their daily log, the observations that created the reasonable suspicion or probable cause for the initiation of each vehicle or pedestrian stop. The Department will also reaffirm with officers their need to document and explain any post-stop activity conducted during the contact. Such documentation will supplement the video footage, particularly in instances where there is limited coverage due to the circumstances of the stop, and allow supervisors to better assess officers' performance in the field, including their ability to articulate the basis for their actions.

The OIG found that the Department has committed significant resources to inspecting officers' compliance with written standards and, more recently, monitoring their maintenance and use of the equipment. These processes, in combination with policy revisions that strengthen DICVS standards, should result in better coverage of stops and other events. The Department reviews the content of in-car video footage during the investigation of complaints, uses of force, vehicle pursuits, and other critical incidents. It generally does not, however, review the substance of DICVS footage in the absence of one of these investigations or reviews. The Department and the OIG agree that the OIG's reviews of DICVS footage can assist the Department to evaluate and improve the in-car video system's operation on an ongoing basis. Therefore, the OIG will perform regular and substantive reviews of DICVS footage of stops. These systematic reviews will allow for the evaluation of officers' tactics, tactical communications, and decisions for the purposes of improving training and ensuring that officers adhere to constitutional and legal standards as well as Department policy.

The OIG believes that the above Department actions coupled with the OIG's regular audits of the DICVS system will strengthen the existing process and correct most of the issues identified within this review. The OIG has also worked collaboratively with the Department to incorporate the lessons learned from this process to the draft policy for the use of on-body cameras across the Department.

²³ The policy also requires that the officer provide each person who is detained but neither booked nor cited with a business card. See LAPD Manual Section 4/296.01, "Business Cards - Detainee Released Without Being Booked Or Cited."