



*Via email*

April 20, 2016

Mayor Eric Garcetti  
200 N. Spring St.  
Los Angeles, CA 90012

Councilmember Gilbert Cedillo  
Councilmember Paul Krekorian  
Councilmember Bob Blumenfield  
Councilmember David E. Ryu  
Councilmember Paul Koretz  
Councilmember Nury Martinez  
Councilmember Felipe Fuentes  
Councilmember Marqueece Harris-Dawson  
Councilmember Curren D. Price, Jr.  
Councilmember Herb J. Wesson, Jr.  
Councilmember Mike Bonin  
Councilmember Mitchell Englander  
Councilmember Mitch O'Farrell  
Councilmember Jose Huizar  
Councilmember Joe Buscaino  
200 N. Spring St.  
Los Angeles, CA 90012

Dear Mayor Garcetti and City Council members:

We write on behalf of the American Civil Liberties Union of Southern California (“ACLU SoCal”), A New Way of Life Reentry Project, Asian Americans Advancing Justice – Los Angeles, the Coalition For Humane Immigrant Rights of Los Angeles (“CHIRLA”), the Council on American-Islamic Relations (“CAIR”), Dignity and Power Now, Holman United Methodist Church, Justice Not Jails, Ollin Law, Progressive Christians Uniting, and the Youth Justice Coalition (“YJC”) regarding the Los Angeles Police Department’s (“LAPD”) body camera proposal, which the Board of Police Commissioners (“Police Commission”) approved and which the full City Council referred to committees on December 16, 2015. We urge the Council not to simply rubberstamp the proposal, but to reopen the issue and demand that all aspects of the body camera program—the contracts, the policies, and the public process—be handled as they should.

Councilmember Englander is correct that “This is too big to get wrong... [LAPD] will be the biggest department in the country to deploy [body cameras], and... ensuring we do that openly,

transparently and correctly is important.”<sup>1</sup> Although those remarks were made in reference to the contract bidding process, they apply with equal force to the policies shaping the program and the public’s input into the decision to spend tens of millions of taxpayer dollars. The contract for the equipment wasn’t the only thing that was rushed, with the result that LAPD’s program, if pushed through in its current form, will actually undermine rather than promote the City’s stated goals of transparency, accountability and creation of public trust in law enforcement.<sup>2</sup>

In addition to its substantive flaws, the policy was adopted through a process that unnecessarily limited meaningful public input and prevented the Police Commission from fully considering options other than those put forth by the Department. In the months during LAPD’s testing of body cameras in its pilot program, the Police Commission held public meetings on the general topic of the cameras, without reference to any particular policy, where dismayed residents learned that the decision to adopt the cameras had already been made. Community groups, public interest organizations, and individual Angelenos were never given an opportunity to weigh in on whether they supported the body camera program, even in principle. And after eighteen months in the development phase, LAPD released its proposed policy less than two business days before the meeting at which the Police Commission voted to approve it. This short time span did not provide a meaningful opportunity for members of the public to debate or provide feedback on the concrete terms of LAPD’s proposed policy. Nor, in our view, did the timing allow the Police Commission to carefully review and evaluate its terms, much less to solicit independent evaluation from experts or even the LAPD Inspector General’s office—as one Commissioner publicly complained.<sup>3</sup> For a public investment of this magnitude and a program that may be held up as a model nationwide, such a rushed and superficial process is a tremendous disservice.

Perhaps unsurprisingly, that process created a flawed body camera policy that cannot hope to serve the City’s intended goals of improving transparency, accountability, and public trust in law enforcement. In particular, the following aspects of the policy are deeply problematic:

- **Misplaced Objectives.** The objectives stated in LAPD’s body camera policy do not even mention transparency or building community trust. To the extent they mention the public at all, they focus only on “deter[ring] criminal activity and uncooperative behavior during police-public interactions,” and assisting in the resolution of complaints “including false allegations by members of the public.” Transparency and building public trust should be key objectives of any body camera program.

---

<sup>1</sup> Kate Mather and David Zahniser, *L.A.’s effort to equip officers with body cameras stalls*, LOS ANGELES TIMES (April 16, 2016), available at <http://www.latimes.com/local/crime/la-me-lapd-body-cameras-20160417-story.html>.

<sup>2</sup> See Press Release, Los Angeles Mayor’s Office, *Mayor Garcetti Announces Nation-Leading Body Camera Plan For LAPD* (Dec. 16, 2014), available at [http://www.lamayor.org/mayor\\_garcetti\\_announces\\_nation\\_leading\\_body\\_camera\\_plan\\_for\\_lapd](http://www.lamayor.org/mayor_garcetti_announces_nation_leading_body_camera_plan_for_lapd) (quoting Mayor Garcetti and Councilmembers Englander and Price).

<sup>3</sup> Frank Stoltze, *Police Commission: LAPD Cops should be able to review body cam video before reports*, SOUTHERN CALIFORNIA PUBLIC RADIO (April 28, 2015), available at <http://www.scpr.org/news/2015/04/28/51310/police-commission-lapd-cops-should-be-able-to-revi/>; *LA Police Commission OKs Rules For Body Cameras*, ASSOCIATED PRESS/CBS LOS ANGELES (April 28, 2015), available at <http://losangeles.cbslocal.com/2015/04/28/la-police-commission-to-review-proposed-rules-for-body-cameras/>.

- **Total Lack of Transparency.** The policy completely fails to provide for any public access to body camera video, and LAPD has made clear that it will not release the videos unless required to do so in court—or unless the chief, in his discretion, believes it would be “beneficial.” But the Department has publicly said that they will not release in most cases of shootings or alleged misconduct, and in fact has refused to produce body camera footage in more than one high-profile shooting. When there is a serious use of force or an allegation of police misconduct, the public deserves to see what happened. Body cameras will not further transparency if the public never gets to see the footage.
- **Allowing Officers Under Investigation to Review Video Before An Initial Interview.** LAPD’s policy not only permits but requires officers to review body camera footage before providing even an initial statement to investigators when they are involved in critical uses of force or accused of misconduct. That inevitably hurts rather than helps accountability and public trust. Increasingly, other California agencies and law enforcement professionals are recognizing that giving officers a chance to tailor their story to the video evidence undermines their credibility even when they tell the truth—and the cognitive effect of reviewing video actually changes the memory officers are asked to recount. The Oakland Police,<sup>4</sup> Riverside Sheriff,<sup>5</sup> San Francisco Police,<sup>6</sup> and San Jose Police<sup>7</sup> departments all require officers under investigation to provide at least an initial statement to investigators, then allow officers to watch the video and add information and context to their account. The Inspector General for Los Angeles County,<sup>8</sup> the Inspector General for the New York Police Department,<sup>9</sup> and the Executive Director of the Police Executive Research Forum<sup>10</sup> also urge this as the best approach.

---

<sup>4</sup> Departmental General Order I-15.1, “Portable Video Management System,” Oakland Police Department (effective July 16, 2015), available at <http://www2.oaklandnet.com/oakcal/groups/police/documents/webcontent/oak054254.pdf>.

<sup>5</sup> Department Directive #16-003, “Body Worn Camera Systems – Field Operations,” Riverside Sheriff’s Department (effective January 26, 2016), available at <https://www.documentcloud.org/documents/2699342-Body-Camera-Policy.html>.

<sup>6</sup> “Body Worn Cameras Policy – Recommended Draft,” San Francisco Police Department (Dec. 2, 2015), available at <http://sanfranciscopolice.org/sites/default/files/FileCenter/Documents/27676-Body%20Worn%20Camera%20120215%20draft%20for%20meet%20and%20confer.pdf>. This policy was approved by the San Francisco Police Commission on December 2, 2015. See <http://sanfranciscopolice.org/body-worn-camera-policy>.

<sup>7</sup> San Jose Police Body Worn Camera Policy, San Jose Police Department, section 16 (effective date June 29, 2015), available at [http://www.sjpd.org/InsideSjpd/BodyCameras/BWC\\_Policy.html](http://www.sjpd.org/InsideSjpd/BodyCameras/BWC_Policy.html).

<sup>8</sup> Los Angeles County Office of Inspector General, *Body-Worn Cameras: Policy Recommendations and Review of LASD’s Pilot Program*, 30 (Sept. 2015), available at [https://oig.lacounty.gov/Portals/OIG/Reports/Body-Worn%20Cameras\\_OIG%20Report.pdf](https://oig.lacounty.gov/Portals/OIG/Reports/Body-Worn%20Cameras_OIG%20Report.pdf). Moreover, the Los Angeles Sheriff’s Department does not permit deputies to view video from cameras in jails under similar circumstances. See Los Angeles County Office of Independent Review, *Eleventh Annual Report*, 36 (Dec. 2013), available at [http://shq.lasdnews.net/shq/LASD\\_Oversight/OIR-Eleventh-Annual-Report.pdf](http://shq.lasdnews.net/shq/LASD_Oversight/OIR-Eleventh-Annual-Report.pdf).

<sup>9</sup> New York City Department of Investigation, The Office of the Inspector General for the NYPD, *Body-Worn Cameras in NYC: An Assessment of NYPD’s Pilot Program and Recommendations to Promote Accountability*, 26–29 (July 2015), available at <http://www.nyc.gov/html/oignypd/assets/downloads/pdf/nypd-body-camera-report.pdf>.

<sup>10</sup> Kimberly Kindy, Julie Tate, *Police withhold videos despite vows of transparency - But officers investigated in fatal shootings are routinely given access to body camera footage*, Washington Post (Oct. 8, 2015), available at <http://www.washingtonpost.com/sf/national/2015/10/08/police-withhold-videos-despite-vows-of-transparency/>.

- ***No Limits on Use of Body Cameras for Surveillance of Public.*** The policy provides no clear limits on LAPD using body camera footage as general surveillance of the public or using analysis tools such as facial recognition technology on footage. Nor does it provide guidelines for use of the cameras during and resulting footage capturing First Amendment-protected activity. Body cameras are supposed to help provide accountability and transparency for policing, not to expand surveillance of the public.

Given these flaws, it is sadly unsurprising that, in the first six months of the program, the existence of body camera footage has raised more questions than it has answered, and only exacerbated community concerns about the purposes for which the videos will be used. The video of the fatal shooting of Charly “Africa” Keunang on Skid Row<sup>11</sup> is a tragic example.

Accordingly, we urge City Council to take this opportunity to demand not only that the contract bidding process be fair, but also that the public process be open, and that LAPD’s policies be substantially revised to align with the public’s interests in the cameras and the City’s stated goals in adopting them. The City should hold hearings to solicit input from community groups, individual residents, and other stakeholders on how—or even if—body cameras can serve the needs of community members. Anything less will amount to a waste not only of public funds but of an invaluable opportunity for improving policing in Los Angeles.

We would each be happy to discuss our concerns and recommendations further, and can be reached at the contact information below.

Sincerely,

Catherine Wagner  
Staff Attorney  
ACLU of Southern California  
T: (213) 977-9500 x 206  
E: [cwagner@aclusocal.org](mailto:cwagner@aclusocal.org)

Tiffany Johnson  
Associate Director  
A New Way of Life Reentry Project  
P.O. Box 875288  
Los Angeles, CA 90087  
E: [tiffany@anewwayoflife.org](mailto:tiffany@anewwayoflife.org)

Betty Hung  
Policy Director  
Asian Americans Advancing Justice –  
Los Angeles  
1145 Wilshire Blvd.  
Los Angeles, CA 90017  
T: (213) 977-7500  
E: [bhung@advancingjustice-la.org](mailto:bhung@advancingjustice-la.org)

Jacqueline Mejia  
Policy Advocate  
Coalition For Humane Immigrant Rights of  
Los Angeles (CHIRLA)  
2533 W. Third St. Ste 101  
Los Angeles, Ca 90057  
Direct Line: 213-201-3781  
E: [jmejia@chirla.org](mailto:jmejia@chirla.org)

---

<sup>11</sup> Although that shooting occurred before the official “roll-out” of LAPD’s program in September, by all appearances, the Department has handled the body-worn camera video in accordance with the policies approved by the Commission in April, 2015.

Hussam Ayloush, M.B.A.  
Executive Director  
Council on American-Islamic Relations  
Greater-Los Angeles Area Chapter  
2180 W. Crescent Ave., Suite F.  
Anaheim, CA 92801  
T: 714-776-1847  
E: [hayloush@cair.com](mailto:hayloush@cair.com)

Kim McGill  
Organizer  
Youth Justice Coalition  
Chuco's Justice Center  
1137 E. Redondo Blvd.  
Inglewood, CA 90302  
T: (323) 235-4243  
E: [kim@youth4justice.org](mailto:kim@youth4justice.org)

Mark-Anthony Johnson  
Director of Health and Wellness  
Dignity and Power Now  
T: (818)259-1322  
E: [Markanthonyj@dignityandpowernow.org](mailto:Markanthonyj@dignityandpowernow.org)

Cc: LAPD Chief Charlie Beck  
LAPD Board of Police Commissioners

Rev. Kelvin Sauls  
Senior Pastor  
Holman United Methodist Church,  
Member, L.A. Voice  
E: [PastorSauls@holmanumc.com](mailto:PastorSauls@holmanumc.com)

Rev. Peter Laarman  
Justice Not Jails  
E: [peterlaarman@gmail.com](mailto:peterlaarman@gmail.com)

Pascual Torres  
Ollin Law  
1930 Wilshire Blvd., Suite 817  
Los Angeles, CA 90057  
T: 213.413.0144  
F: 323.210.7385  
E: [ptorres@ollinlaw.org](mailto:ptorres@ollinlaw.org)

The Rev. Dr. Timothy Murphy  
Executive Director  
Progressive Christians Uniting  
634 South Spring Street, Suite 300  
Los Angeles, CA 90014  
[www.progressivechristiansuniting.org](http://www.progressivechristiansuniting.org)  
T: (213) 625-0149  
F: (213) 625-2172