



BODY WORN CAMERAS



ISSUE DATE:	09 June 2017	EFFECTIVE DATE:	09 June 2017
RESCINDS:	10 May 2016 version; DN15-01 Body Worn Camera Pilot Program- Phase II 01June 2016		
INDEX CATEGORY:	Field Operations		

I. POLICY

- A. The Department is committed to protecting the safety and welfare of the public as well as its members. Audio and visual recordings from the body-worn camera (BWC) can improve the quality and reliability of investigations and increase transparency. Members will be trained prior to the assignment and utilization of the BWC. If a member assigned a BWC is in a vehicle equipped with an in-car video system, the member will follow both the **In-Car Video Systems** directive and this directive. Any member who knowingly fails to comply with this directive will be subject to progressive discipline, training, or other remedial action according to current Department policies. The definitions of various terms used in this directive are in Section XI. This directive satisfies CALEA standards in Chapters 1 and 41.
- B. The Department does not intend to utilize the BWC to discipline members for isolated minor Departmental rule infractions consistent with the Illinois Officer-Worn Body Camera Act ([50 ILCS 706/10](#)) and the Department directive titled **Complaint and Disciplinary Procedures**.

II. INITIATING, CONCLUDING, AND JUSTIFYING RECORDINGS

A. Initiation of a Recording

- 1. The decision to electronically record a law-enforcement-related encounter is mandatory, not discretionary, except where specifically indicated.
- 2. The Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities. If circumstances prevent activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical. Law-enforcement-related activities include but are not limited to:
 - a. calls for service;
 - b. investigatory stops;
 - c. traffic stops;
 - d. traffic control;
 - e. foot and vehicle pursuits;
 - f. arrests;
 - g. use of force incidents;
 - h. seizure of evidence;
 - i. interrogations;
 - j. searches, including searches of people, items, vehicles, buildings, and places;
 - k. statements made by individuals in the course of an investigation;
 - l. requests for consent to search;
 - m. emergency driving situations;

- n. emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene;
 - o. high-risk situations;
 - p. any encounter with the public that becomes adversarial after the initial contact;
 - q. arrestee transports;
 - r. any other instance when enforcing the law.
3. A Department member may utilize discretion to activate the BWC for non-law-enforcement-related activities in the following circumstances:
- a. in situations that the member, through training and experience, believes will serve a proper police purpose, for example, recording the processing of an uncooperative arrestee;
 - b. in situations that may help document, enhance, and support the following: written reports, evidence collection, investigations, and court testimony; and
 - c. when the member is engaged in community caretaking functions, unless the member has reason to believe that the person on whose behalf the member is performing a community caretaking function has committed or is in the process of committing a crime.
4. Upon initiation of a recording, Department members will announce to the person(s) they intend to record that their BWC has been activated to record.

NOTE: Sworn members will not unreasonably endanger themselves or another person to conform to the provisions of this directive.

B. Deactivation of a Recording

1. The Department member will not deactivate event mode unless:
- a. the entire incident has been recorded and the member is no longer engaged in a law-enforcement-related activity;

For the purposes of the deactivation of BWCs, the Department has identified the following circumstances as the conclusion of a law-enforcement-related activity:

- (1) the member has cleared the assignment;
- (2) the member leaves the scene of the incident;
- (3) for arrestee transports, when the arrestee:
 - (a) is secured in the processing room and the member is only conducting administrative functions of the Department alone or only in the presence of other sworn members; or
 - (b) custody has been transferred to another Department member, lock-up personnel, mental health providers, or hospital personnel.
- (4) the highest-ranking on-scene Bureau of Patrol supervisor has determined that the scene is secured in circumstances involving an officer-involved death investigation, firearm discharge, or any other use of force incident.

NOTE: The scene may be considered secure when all offenders are in custody or otherwise not in the area, medical aid has been requested/administered or CFD is on the scene, the involved officers have been identified, and the crime scene has been established.

- b. requested by a victim of a crime;
- c. requested by a witness of a crime or a community member who wishes to report a crime; or
- d. the officer is interacting with a confidential informant.

EXCEPTION: Department members may continue or resume recording a victim or witness if exigent circumstances exist or if the officer has reasonable articulable suspicion that a victim, witness, or confidential informant has committed or is in the process of committing a crime.

- 2. The Department member will ensure that any request by a victim or witness to deactivate the camera, unless impractical or impossible, is made on the recording.
- 3. Justification for **Deactivating a Recording**

The Department member will verbally justify on the BWC when deactivating it prior to the conclusion of an incident. When a member fails to record an incident or circumstances warrant the verbal justification of a deactivation as being impractical or impossible, the member will document the reason by activating the BWC and stating the type of incident, event number, and the reason for deactivating the recording.

NOTE: Department members will notify their immediate supervisor when the BWC is deactivated prior to the conclusion of an entire incident.

III. PROHIBITED CONDUCT

- A. The BWC will not be activated to record:
 - 1. individuals in residences or other private areas not open to the public unless there is a crime in progress or other circumstances that would allow the officer to be lawfully present without a warrant.
 - 2. inside medical facilities, except when directly relevant and necessary to a law enforcement investigation and approved by the member's immediate supervisor.
 - 3. appearances at court or hearings. Members will turn off their BWC so that it is not in buffering mode after notifying the dispatcher and verbally announcing the reason for turning off the BWC.
 - 4. in connection with strip searches.

NOTE: Department members will not activate the BWC to record strip searches.

- 5. personal activities of other Department members during routine, non-enforcement-related activities.
- B. The audio recording of a private conversation is prohibited by law when obtained or made by stealth or deception or executed through secrecy or concealment.
- C. According to law, no officer may hinder or prevent any non-officer from recording a law enforcement officer who is performing his or her duties in a public place or when the officer has no reasonable expectation of privacy. Violation of this law may constitute disciplinary actions consistent with the directive entitled "**Complaint and Disciplinary Procedures**" as well as criminal penalties such as theft or criminal damage to property. However, a member may take reasonable actions to enforce the law and perform their duties.

IV. OPERATIONAL PROCEDURES

Department members will:

- A. at the beginning of the tour of duty:
1. sign-out their assigned BWC on the Personal Equipment Log ([CPD-21.919](#)) from the designated Department member;
 2. visually and physically inspect the BWC and ensure that it is their assigned BWC, fully charged, and operational;
 3. securely attach the BWC to the front of the member's person consistent with training;
 4. ensure the BWC is on buffering mode prior to leaving the station.

- B. during the tour of duty:
1. record incidents consistent with this directive.
 2. activate their BWCs and, when responding to incidents as an assist unit, obtain the primary unit's event number consistent with training;
 3. annotate all reports that relate to a recorded incident as "BWC."
 4. if seeking approval of felony charges through the Assistant State's Attorney Felony Review Unit, inform the ASA that the incident was recorded using a BWC.

NOTE: Department members may review their BWC recording of an incident prior to writing any report related to the incident. The member will document this fact in the narrative portion of the report. This includes but is not limited to case reports, arrest reports, and investigatory stop reports.

5. In any instance where a BWC was turned off or deactivated consistent with this directive, the member will turn on or reactivate the BWC if required and as soon as it is safe and practicable to do so.

EXAMPLE: The member is cleared from court or the interview of the person requesting deactivation is completed.

- C. at the conclusion of a tour of duty:
1. ensure the BWC is placed in the assigned slot on the docking station.
 2. sign-in the BWC on the Personal Equipment Log.

V. SUPERVISORY RESPONSIBILITY

- A. All supervisors assigned to oversee Department members utilizing Department-issued BWCs:
1. will ensure:
 - a. Department members are utilizing their BWCs consistent with this directive.
 - b. if a member utilizes a BWC that is not assigned to him or her, an investigation is initiated and the Help Desk is contacted and a ticket is created for ISD to reassign the recordings in Evidence.com to the member who created the recordings.
 - c. the Help Desk is contacted and a ticket number is obtained whenever any member is unable to utilize the BWC or download digitally recorded data due to technical problems.
 - d. an investigation is initiated when notified of a missing, lost, or damaged BWC.
 - e. members who reviewed a BWC recording prior to writing any report document this fact in the narrative portion of the report prior to the supervisor's approval of the report

NOTE: Any actions taken must be documented on the Supervisor's Management Log ([CPD-11.455](#)) or the Watch Incident Log ([CPD-21.916](#)) as appropriate.

2. are required to view recordings on Evidence.com for the following reasons:
 - a. to investigate a complaint against an officer or a specific incident in which the officer was involved;

EXCEPTION: The initiating supervisor is encouraged to view the relevant BWC recording for evidence of the complaint.

- b. when Department members have had a pattern of allegations of abuse or misconduct and have been placed in the **Behavioral Intervention System** or **Personnel Concerns Program**.
- B. District station supervisors (DSS) will ensure:
 1. the daily assignment roster sent to OEMC and entered in the PCAD identifies members who are assigned a BWC by placing the letter "K" next to the members' names.
 2. members who reviewed a BWC recording prior to writing an arrest report document this fact in the narrative portion of the arrest report prior to approving preliminary probable cause for any arrests.
 3. whenever operationally feasible, to review video of any arrest recorded by a BWC as part of the approval of probable cause.

- C. Whenever an incident requires the completion of a Tactical Response Report (TRR) ([CPD-11.377](#)), the lieutenant or above/exempt level incident commander responsible for approving the TRR will review all relevant videos of a BWC-related incident and ensure the reporting procedures outlined in the Department Directive entitled "**Incidents Requiring the Completion of a Tactical Response Report**" are followed and that the members involved complied with Department policy.

NOTE: If unable to view a BWC-recorded incident, the reviewing supervisor will notify the Crime Prevention Information Center (CPIC) and request assistance from a designated member of the Information Services Division (ISD).

- D. The watch operations lieutenant (WOL) will review one randomly selected BWC recording on their respective watch per tour of duty to ensure compliance with policy, assess the need for additional training and tactical improvement, ensure close and effective supervision, and that an OEMC event number has been assigned for the recording. This review and any actions taken will be documented on the [Watch Incident Log](#) (CPD- 21.916).
- E. District commanders/unit commanding officers or their designees will review BWC information quarterly in Evidence.com to ensure each recording has an OEMC event number assigned to it.

VI. BUREAU AND DIVISION RESPONSIBILITIES

- A. The Information Services Division (ISD):
 1. will ensure all authorized Department members and any authorized outside-agency personnel have access to view recordings on the Evidence.com database that relate to their official duties.

NOTE: Supervisors, members of the Bureau of Internal Affairs, select members of the Inspections Division, and the Civilian Office of Police Accountability (COPA) investigators may view the digitally recorded footage from BWCs on Evidence.com as determined by their clearance level and as authorized by the Information Services Division.

2. is responsible for:
 - a. assigning, reassigning, and replacing BWCs.
 - b. reassigning the recordings in Evidence.com to the member who created the recordings, if a member uses a BWC that was not assigned to him or her.
 - c. is responsible for the annual report consistent with 50 ILCS 706/10-25.
- B. The Inspections Division will promote compliance with the policy and procedures of this directive consistent with procedures established by the Commander, Inspections Division.

VII. OFFICER-INVOLVED SHOOTING OR OTHER INCIDENT THAT INVOLVES GREAT BODILY HARM TO A PERSON

- A. Department members involved in an officer-involved shooting or other incidents that involves great bodily harm will provide their BWCs when so directed by a supervisor.
- B. The assigned street deputy will direct a supervisor to take control of the BWCs once the scene is secured.
- C. The supervisor directed by the street deputy to take control of the BWC will ensure:
 1. the recording is available for immediate viewing by authorized personnel investigating the incident; and
 2. the BWC is returned to the docking station in the unit of assignment and uploaded.

VIII. VIEWING DIGITALLY RECORDED DATA

- A. Recordings are stored and viewed on Evidence.com.
- B. If the digitally recorded data must be viewed before it is uploaded to Evidence.com, the BWC will be taken to a Department facility equipped with a computer identified by ISD as capable of showing the video.
- C. Department members authorized to view recordings on Evidence.com will use their unique user access credentials from a Department computer at a Department facility.
- D. Non-authorized Department members who are seeking to view copies of recordings from a BWC will complete the form entitled "Digitally Recorded Data Viewing/Hold/Duplication Request" ([CPD-65.224](#)) and forward it to the Records Division.

NOTE: All digitally recorded data created with BWCs are the property of the Department. Dissemination outside the Department of any BWC-recorded data is strictly prohibited without specific authorization by the Superintendent or an appointed designee. Unauthorized duplicating, deleting, altering, capturing, or disseminating of any audio or video from BWC footage is strictly prohibited.

IX. RETENTION

All digitally recorded data created by the BWC will be retained in accordance with the Department's Forms Retention Schedule ([CPD-11.717](#)) and the Illinois Officer-Worn Body Camera Act (50 ILCS 706/10).

- A. Recordings made on BWCs must be retained for a period of 90 days unless any incident captured on the recording has been flagged.
- B. Under no circumstances will any BWC recording of a flagged incident be altered or destroyed prior to two years after the recording was flagged. If the flagged recording was used in a criminal, civil, or administrative proceeding, the recording will not be destroyed except upon a final disposition and order from the court.

The recording must be flagged in Evidence.com in the following manner:

1. ISD will flag encounters resulting in a detention, including investigatory stops or an arrest, and excluding traffic stops which resulted in only a minor traffic offense or business offense.
 2. The involved member's supervisor will flag recordings that capture:
 - a. an officer discharging his or her firearm or using force during the encounter;
 - b. death or great bodily harm to any person;
 - c. incidents that a supervisor, prosecutor, defendant, or court determines has evidentiary value in a criminal prosecution.
 3. The Bureau of Internal Affairs will flag recordings that relate to a complaint against a Department member or an officer who is the subject of an internal investigation.
 4. Recording members may flag their own recordings for purposes related to their duties.
 5. Recordings may be flagged by other investigative bodies that have the legal authority to do so.
- C. Prior to the 90-day storage period, recordings may be flagged and retained if a supervisor designates the recording for training purposes.

X. BODY WORN CAMERA PROGRAM EVALUATION COMMITTEE

A. Committee Membership

1. The Body Worn Camera Program Evaluation Committee will consist of the following members:
 - a. Chief, Bureau of Patrol;
 - b. Chief, Bureau of Technical Services;
 - c. Chief, Bureau of Organizational Development;
 - d. General Counsel, Office of Legal Affairs;
 - e. Deputy Chief, Education and Training Division;
 - f. Director, Research and Development Division; and
 - g. Designated police officer, Bureau of Patrol.
2. The Chief, Bureau of Patrol, will serve as chairperson of the committee.
3. The Chief, Bureau of Technical Services, will serve as the vice-chairperson of the committee.
4. The chairperson will designate a police officer from the Bureau of Patrol to serve on the committee.
5. Committee meetings will convene quarterly and upon notification from the Chairperson.

B. Responsibility

The Body Worn Camera Program Evaluation Committee is responsible for:

1. ensuring the program is operating within compliance of the law, Department policies, best practices, and efficiently.
 2. evaluating the effectiveness of the program and determine if it should be continued, expanded, modified, or terminated.
 3. advising the Superintendent on the recommendations concluded by the committee.
- C. Unit commanding officers will ensure an evaluation report that includes the criteria established by the Commander, Inspections Division, is submitted through the chain of command to the Commander,

Inspections Division, ATTN: BWC Program Evaluation Committee, at the conclusion of each police period.

- D. The Commander, Inspections Division, will analyze and compile all reports received and present the final report to the Body Worn Camera Program and Evaluation Committee at the quarterly meetings.

XI. DEFINITIONS

For purposes of this directive the following definitions will apply:

- A. **Activate:** To double press the event button on the body-worn camera to switch the camera from buffering mode to event mode to begin permanently recording audio and digital media.
- B. **Bodily Harm:** A bodily injury that does not create a substantial risk of death; does not cause serious, permanent disfigurement; or does not result in long-term loss or impairment of the functioning of any bodily member or organ
- C. **Body-Worn Camera (BWC):** Equipment worn by a Department member that captures audio and digital media that includes, at a minimum, a camera, microphone, and recorder.
- D. **Community Caretaking Function:** A task undertaken by a law enforcement officer in which the officer is performing an articulable act unrelated to the investigation of a crime. "Community caretaking function" includes, but is not limited to, participating in town halls or other community outreach, helping a child find his or her parents, providing death notifications, and performing in-home or hospital well-being checks on the sick, elderly, or persons presumed missing.
- E. **Deactivate:** To press and hold the event button on the body-worn camera to stop permanently recording audio and digital media and returning the camera back to buffering mode.
- F. **Flag:** Utilizing the category box in Evidence.com to extend the retention of recorded digital media captured by a body-worn camera beyond the 90 days required by law.
- G. **Force:** Any physical effort by a Department member to compel compliance by an unwilling subject.
- H. **Great Bodily Harm:** A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.
- I. **Private Conversation:** Any oral communication between two or more persons, whether in person or transmitted by other means, when one or more of the parties intends the communication to be of a private nature under circumstances reasonably justifying that expectation. A reasonable expectation shall include any expectation recognized by law, including, but not limited to, an expectation derived from a privilege, immunity, or right established by common law, case law, state or federal statute, or the Illinois or United States Constitution (720 ILCS 5/14-1).

Authenticated by: KC

Eddie T. Johnson
Superintendent of Police

16-067 CMF