

	WAUKEGAN POLICE DEPARTMENT GENERAL ORDER – OPER.11 Subject: BODY WORN CAMERA PROGRAM	
	Effective: June 13, 2016	Revised:
		Revised: June 13, 2016 Original: May 31, 2016

PURPOSE

The purpose of this policy is to establish guidelines for the proper use, maintenance, and deployment of the Department’s Body Worn Cameras (BWCs).

OPER.11 POLICY

The Department is committed to protecting the safety and welfare of the public as well as its officers. Recordings from body worn cameras (BWCs) can provide officers with an invaluable instrument to aid in criminal prosecution. Additionally, they can protect officers and citizens from false accusations through the objective documentation of interactions between officers of the Department and the public. Officers issued a BWC will use it pursuant to this general order and in accordance with the Illinois state law (50 ILCS 706/Article 10) (Public Act 099-0352).

DEFINITIONS

Body Worn Camera (BWC): A mobile audio/video recording device worn by officers to document police related incidents.

Surreptitious: Obtained or made by stealth or deception, or executed through secrecy or concealment (720 ILCS 5/14-1).

Private Conversation: Any oral communication between two or more persons, whether in person or transmitted between the parties by wire or other means, when one or more of the parties intended 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, Supreme Court rule, or the Illinois or United States Constitution (720 ILCS 5/14-1).

OPER.11.1 EQUIPMENT

The BWC program will utilize the following:

- A. A body worn camera (Motorola Si500).
- B. Any additional accessories issued as standard equipment associated with the BWC.

OPER.11.2 GENERAL INFORMATION

- A. The BWC program will include both visual and audio recording.
- B. There is no expectation of privacy for officers related to incidents of a law enforcement nature recorded with BWCs. Supervisors and the OPS Commander may request to review the digitally recorded data from the BWC system.

- C. The surreptitious audio recording of a private conversation is prohibited by law.
 - D. Officers will be assigned a specific BWC by serial number that will be utilized by that officer for the duration of the program.
 - E. The BWC is manually activated by the officer wearing the camera. At the conclusion of an incident, the officer must manually turn off all recording processes.
 - F. All recordings require an incident number. If unable to obtain an incident number when initiating a recording, the officer will obtain one immediately upon disengagement. Only one incident number will be obtained for each incident.
 - G. All digitally recorded data created by the BWC will be retained for a minimum of 90 calendar days in accordance with State law, and purged thereafter. BWC system recordings may be retained for longer periods in the event the video becomes, or it is reasonable to believe it will become, evidence in a criminal or civil action, is subject to a lawful action to produce records, or for any other reason as defined by State law. Flagged videos will not be altered or destroyed for a minimum of 2 years after the recording was flagged. If the flagged video was used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court.
 - H. Videos may be retained past the 90 day storage period if a supervisor designates the video for training purposes. If the recording is designated for training purposes, and the officer(s) recorded on the video have been notified and have no reasonable objections, the recordings may be viewed by other officers of the Waukegan Police Department, only in the presence of a training instructor, for the purposes of instruction, training, or ensuring compliance with Department policies. The BWC administrator will be responsible for compiling requests from Department personnel, Branch Court, Hearing Officers, and the Lake County State's Attorney's Office, and distributing as appropriate.
 - I. Recordings shall not be used to discipline officers unless:
 - 1. A formal or informal documented complaint of misconduct has been made, or;
 - 2. A use of force incident has occurred, or;
 - 3. The encounter on the recording could result in a formal investigation under the Uniform Peace Officers' Disciplinary Act, or;
 - 4. As corroboration of other evidence of misconduct.
- Nothing in this paragraph shall be construed to limit or prohibit a law enforcement officer from being subject to an action that does not amount to discipline.
- J. No officer may hinder or prohibit any person, not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties in a public place or when the officer has no reasonable expectation of privacy. The unlawful confiscation or destruction of the recording medium of a person who is not a law enforcement officer may result in potential criminal penalties, as well as any departmental discipline.
 - K. If an officer wearing a BWC is in a vehicle equipped with an in-car video system, the officer will follow the Mobile Audio/Video general order in addition to this order.

- L. Cameras must be equipped with pre-event recording, capable of recording in video mode only, no more than 30 seconds prior to camera activation.
- M. Cameras must be capable of recording for a period of 10 hours or more.
- N. All sworn officers will receive training on the BWC equipment and software. Training shall include legal aspects, policy, and procedures.

OPER.11.3 RECORDING GUIDELINES

- A. Officers will only use BWCs issued by the Department.
- B. Officers are permitted to record individuals:
 - 1. If they are on the public way or in public view;
 - 2. In private residences or in other places where a reasonable expectation of privacy exists and there is a lawful reason for the presence of law enforcement officers; during routine calls for service.

NOTE: In a residence, there is a heightened degree and expectation of privacy. Officers should normally inform the resident that he or she is being recorded. If the resident wishes not to be recorded, this request should be documented by recording the request before the device is turned off. However, if an officer may enter a dwelling without the consent of the resident, such as when serving a warrant, or when the officer is there based on an exception to the warrant requirement, recordings should be made of the incident until its conclusion. As a general rule, if the officer must legally ask permission to enter a premises, he or she should also ask if the resident will allow recording.*

**an excerpt from a publication of the IACP National Law Enforcement Policy Center*

- 3. Pursuant to State law, the officer must provide notice of recording to any person if the person has a reasonable expectation of privacy and proof of notice must be evident in the recording. If exigent circumstances exist which prevent the officer from providing notice, notice must be provided as soon as practicable.
- C. Officers assigned a BWC will activate the system to record the entire incident for all:
 - 1. Routine calls for service
 - 2. Investigatory stops
 - 3. Traffic stops
 - 4. Foot and vehicle pursuits
 - 5. Emergency driving situations (unless MAV is activated)
 - 6. Emergency vehicle responses to in-progress or just-occurred dispatches where fleeing suspects or vehicles may be captured on video leaving the crime scene (unless MAV is activated)
 - 7. High-risk situations, including search warrants
 - 8. Situations that may enhance the probability of evidence-based prosecution

9. Transportation of any prisoner or citizen
10. Situations that the officer, through training and experience, believes to serve a proper police purpose, for example, recording the processing of an uncooperative arrestee.

NOTE: Officers will not unreasonably endanger themselves or another person to conform with the provisions of this order. If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.

D. During the recording of an incident, officers will not turn off the BWC until the entire incident has been recorded or when further recording of the incident will not serve a police purpose. In the event of an arrest, the incident is concluded when the subject is transported to the station and arrives inside the building.

E. Exceptions to recording

Officers may deactivate BWC's during non-enforcement activities such as:

1. Officer to officer conversations about crime charging issues or other general conversations.
2. Traffic control at fires, crime scenes, or crash scenes when the officer's likelihood of being involved in enforcement activities is low.
3. If the victim of a crime, a witness, or a confidential informant requests not to be recorded, the officer will comply with the request and disengage the BWC. However, an officer may continue to record or resume recording a victim or witness, if exigent circumstances exist, or if the officer has reasonable articulable suspicion that a victim or witness, or confidential informant has committed or is the process of committing a crime. Under these circumstances, and unless impractical or impossible, the officer must indicate on the recording the reason for continuing to record despite the request of the victim or witness.

NOTE: Officers will verbally state the justification for any disengagement of the BWC system prior to the entire incident being recorded, before disengaging the BWC. Additionally, if a case report is completed, the officer will document the justification in the narrative portion of the report.

F. Prohibited Recordings

The BWC will not be used to record:

1. In locations where a reasonable expectation of privacy exists, such as dressing rooms or restrooms, unless required for capturing evidence.
2. Sensitive exposures of private body parts, unless required for capturing evidence.
3. Personal activities or other officers during routine, non-enforcement-related activities.
4. Inside medical facilities, including the back of an ambulance, except when a situation arises that the officer believes to serve a proper police purpose.

NOTE: Officers will be aware of patient privacy rights when in hospital settings and follow the disengaging procedures of the BWC.

5. Pursuant to administrative order 16-06 of the Nineteenth Judicial Circuit, a Law Enforcement Officer appearing in or entering a 19th Judicial Circuit courtroom or its environs, which include the private and public hallways, rooms immediately adjacent to said hallways and the jury assembly and deliberation rooms, shall have the camera in an off or non-functioning position until the Law Enforcement Officer has left the courtroom and its environs.

OPER.11.4 OPERATIONAL PROCEDURES

A. Officers will:

1. at the beginning of the tour of duty:
 - a. Visually and physically inspect the BWC and ensure that it is fully charged and operational.
 - b. Ensure the BWC is securely attached to the officer's person.
 1. The Motorola Si500 camera must be worn vertically at or above the center of the shirt pockets on the outside of the uniform shirt or outer vest carrier.
 2. If a uniform jacket is worn, the camera will be affixed in a similar fashion so that the functionality of the camera is not compromised.
 3. The Department will provide all equipment and accessories related to the BWCs.
 - c. Ensure that the BWC recording equipment is functioning correctly. Officers shall ensure the camera is set at the proper angle.

NOTE: Officers will immediately notify a supervisor if, at any time, the BWC is missing, lost, inoperable, or damaged. Officers will also send an email to the BWC Administrator.

2. during the tour of duty:
 - a. Record events consistent with this order.
 - b. Per State law, the recording officer and his/her supervisor may review recordings prior to completing incident reports and other documentation, provided that the officer or his/her supervisor discloses that fact in the report or documentation.
 - c. If seeking approval of felony charges through the State's Attorney's Office, inform the ASA that the incident was recorded using a BWC.
 - d. Process video recordings
 1. During the shift, or before the conclusion of a tour of duty, officers must tag each video created. Videos can be viewed and tagged in the station or on the BWC unit.

2. If unable to tag the videos during the shift, the officer will need to return to the station, prior to the end of shift, and tag video at that time. Required tagging fields include the report number.
 3. at the conclusion of a tour of duty:
 - a. Officers must ensure all videos are downloaded and tagged.
 - b. All BWC users must return to the station at the end of shift so that the wireless uploading of videos may take place.
- B. Supervisors assigned to officers using a Department-issued BWC will ensure:
1. Officers are using the BWC consistent with this directive.
 2. An e-mail is sent to the BWC Administrator whenever any officer is unable to use the BWC or download digitally recorded data due to technical problems.
 3. An investigation is initiated when notified of a missing, lost, or damaged BWC.
 4. The usage and uploading of the BWCs is consistent with this order.
 5. Monthly, supervisors shall take a random sample of recordings to review in order to assess officer's performance, proper usage, and identify any need for training. Results of the random sampling shall be documented in the shift's monthly report.
- C. Critical Incident Protocol:
1. In the event of a serious incident (officer involved shooting, serious injury or death, serious police vehicle accident, etc.), BWC users will not view the recorded data until the personnel responsible for the investigation arrives on scene.
 2. This does not prohibit officers from viewing the recorded data in the event of an exigency where viewing will assist with the present investigation (suspect descriptions, suspect vehicles, direction of travel, etc.).
 3. All videos relevant to a specific incident shall be made available for viewing to all involved officers for a reasonable time prior to giving a statement or preparing a report regarding the incident.

OPER.11.5 VIEWING DIGITALLY RECORDED DATA

- A. All digitally recorded data created with the BWC is the property of the Waukegan Police Department. Dissemination of any digitally recorded data outside the Department is strictly prohibited without specific authorization from the Chief of Police or his designee. Digitally recorded data will be distributed pursuant to a valid court ordered subpoena, preservation order of court, or FOIA request.

NOTE: Unauthorized duplicating, capturing, or disseminating of audio or video from BWC footage is strictly prohibited. For example, officers are authorized to view their own BWC footage on a Department workstation but may not record this footage with a cell phone, camera, or other method.

- B. Officers assigned a BWC are authorized to view their own recordings using their unique user access credentials from a Department computer at a Department facility. Officers are reminded not to share their unique access credentials with other users.
- C. Supervisors are authorized to view all recordings using their unique user access credentials from a Department computer at a Department facility. Supervisors and/or any BWC administrators shall not troll through BWC footage in an attempt to discipline officers for policy violations or for the purpose of evaluating officer productivity. Supervisors are reminded not to share their unique access credentials with other users. Officers needing to access a recording that is not their own will request to do so through their immediate supervisor. The supervisor will evaluate the request and allow the officer to view the recording if appropriate.
- D. Officers/Detectives are authorized to view recordings pertaining to criminal investigations to which they are assigned. They are also authorized to flag such recordings.
- E. For the purpose of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to only those personnel responsible for those purposes.
- F. Civilians shall not be permitted to view any data recorded by a BWC, unless the video is being shown to the civilian for purposes of mitigating a complaint. Officers shall advise citizens that they may request a copy of the recording through the Freedom of Information Act (FOIA).
- G. The release of video recordings to any non-law enforcement party requested through a (FOIA) request will be handled in accordance with 50 ILCS 706/10 et seq. (Public Act 099-0352) and the Illinois Freedom of Information Act, 5 ILCS 140. Prior to the release of any BWC recording to the public, or any party, the program administrator or Department Attorney will ensure that proper redactions have been made in accordance with State law.
- H. Officers who may have inadvertently activated their BWC during a non-law enforcement related event can make an email request through their respective chain of command to have the recording deleted, and explain why. Their respective supervisor will make the determination whether the recording is deleted based solely on whether the recording has evidentiary or investigative value pertaining to a criminal case. If the recording does not have evidentiary or investigative value pertaining to a criminal case it shall be destroyed. The contents of any such recording shall not be used in any manner in any adverse employment action against an officer. Requests to destroy inadvertently recorded data and the subsequent approval/denial shall be retained by the program administrator for a period not to exceed 90 days.

This order supersedes all previous written and unwritten policies of the Waukegan Police Department on the above subject.

By order of:



Wayne Walles
Chief of Police