

## BLOOMINGTON POLICE DEPARTMENT

### STANDARD OPERATING PROCEDURE

#### MOBILE VIDEO RECORDERS

Reviewed by: Asst. Chief Greg Scott	Effective Date: February 28, 2002
Authorized by: Chief Clay E. Wheeler	Revision Date: May 21, 2019

#### PURPOSE

The purpose of this SOP is to establish guidelines for the operation and use of Mobile Video Recording units in police patrol vehicles. Mobile Video Recording (MVR) equipment has been demonstrated to be of value in the prosecution of traffic violations, in evaluation of officer performance, as well as training. In order to maximize the effectiveness of this equipment, the policy of the Bloomington Police Department shall be to follow the procedures set forth herein. In no case shall any audio/video recording equipment owned by the Bloomington Police Department or used by Bloomington Police Officers be used in any manner inconsistent with Illinois Compiled Statutes or Federal law.

#### OPERATING PROCEDURE

Officers are responsible for inspecting the system prior to placing the system into operation at the start of their shift. Prior to the use of a vehicle containing MVR equipment, officers shall conduct a system check to determine whether their MVR equipment is working properly and shall bring any problems at this or other times to the attention of their immediate supervisor as soon as possible. The supervisor will determine if the officer is to continue using the vehicle with any defective MVR component. If any problem is noted, a work order submitted via the "Police MDT" email address will be completed immediately. The Administrative Sergeant is part of the Police MDT email group which consists of Information Technologies, Dispatch Supervisor and Fleet Maintenance. The system check will at a minimum consist of the following checks to ensure the equipment is functioning properly:

1. Officer 1 microphone
2. Officer 2 microphone (if applicable)
3. Back seat microphone
4. Check of the activation triggers for the overhead lights and microphone pack
5. Front and interior cameras
6. The storage capacity of the unit is not below eight hours
7. Date and Time are correct

Officers shall adhere to the following procedures when using MVR equipped vehicles:

1. When an officer is assigned to drive an MVR equipped vehicle, that equipment will be used.
2. MVR videotaping equipment will automatically activate when the vehicle's emergency warning lights are in operation, the wireless audio pack is activated, the GPS speed of the

vehicle reaches 75 M.P.H. or the crash sensors are activated. The MVR recording will not be manually deactivated unless approved by the officer's immediate supervisor.

3. Officers will ensure that the MVR is in operating order to record traffic stops and that:
  - a. The video camera is positioned and adjusted to record events.
  - b. The MVR is not deactivated until the enforcement activity is completed; and
  - c. The officer's wireless microphone is activated in order to provide narration with the video recording.
4. Officers are encouraged to inform their supervisor of any recorded sequence that may be of value for Department training or review.

Whenever an incident is recorded on the MVR, the officer conducting the recording shall "Classify" the recording prior to the end of their shift.

### **AUTHORITY TO RECORD TRAFFIC STOPS**

Section 720 ILCS 5/14 outlines eavesdropping law in the State of Illinois. Exceptions to the Eavesdropping law are outlined in 720 ILCS 5/14-3. Specifically 720 ILCS 5/14-3(h) provides an exemption for:

(h) Recordings made simultaneously with the use of an in-car video camera recording of an oral conversation between a uniformed peace officer, who has identified his or her office, and a person in the presence of the peace officer whenever (i) an officer assigned a patrol vehicle is conducting an enforcement stop; or (ii) patrol vehicle emergency lights are activated or would otherwise be activated if not for the need to conceal the presence of law enforcement.

For the purposes of this subsection (h), "enforcement stop" means an action by a law enforcement officer in relation to enforcement and investigation duties, including but not limited to, traffic stops, pedestrian stops, abandoned vehicle contacts, motorist assists, commercial motor vehicle stops, roadside safety checks, requests for identification, or responses to requests for emergency assistance;

(h-5) Recordings of utterances made by a person while in the presence of a uniformed peace officer and while an occupant of a police vehicle including, but not limited to, (i) recordings made simultaneously with the use of an in-car video camera and (ii) recordings made in the presence of the peace officer utilizing video or audio systems, or both, authorized by the law enforcement agency;

This means that, for violations of the Illinois Vehicle Code, audio recordings may only be made of traffic stops after a police officer has identified himself. However, our in-car video cameras are activated with the vehicles' emergency lights. It is our position and that of the McLean County State's Attorney that upon activating the red and blue emergency lights of the police vehicle, the officer has sufficiently identified his or her office as required by ILCS 5/14-3 (h), and that the immediate and simultaneous audio recording of the traffic stop is therefore authorized by ILCS 5/14-3 (h).

The officer must inform the violator that the stop is being recorded. It is not necessary for an officer to halt the recording of a traffic stop if a violator objects.

### **RECORDING CONTROL AND MANAGEMENT**

The Assistant Chief of Operations or his designee shall be responsible for mobile video recordings (MVR). Video recordings will be maintained in accordance with the Illinois State Records Act, 5 ILCS 160.

MVRs containing information that may be of evidentiary value shall be recorded on a DVD and safeguarded as any other form of evidence, and as such will be submitted as evidence. MVR DVDs will:

1. Be subject to the same security restrictions and chain of evidence safeguards as detailed in this agency's evidence control policy.
2. Not be released to another criminal justice agency for trial or other reason without having a duplicate copy made and returned to safe storage (this does not apply to minor traffic citations)
3. Not be released to other than bona fide criminal justice agencies or through subpoena, without prior approval of the Chief of Police or his designate.
4. Officers will note in the offense report when video/audio recordings were made during an incident.
5. Officers are encouraged to inform their supervisor of any video recorded sequences which may generate a citizen's complaint.

### **SUPERVISOR RESPONSIBILITIES**

Supervisory personnel who manage officers assigned to use MVR equipment are responsible for the following:

1. Ensure that all officers follow established procedures for the use and maintenance of the MVR equipment and the handling of all video/audio recordings; and
2. Ensure that repairs and replacement of damaged or nonfunctional MVR equipment is properly documented; and
3. Conduct a periodic review of MVRs to assess officer performance, determine whether MVR equipment is being fully and properly used and to identify material that may be of value for training purposes.