

BLOOMINGTON POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

USE OF BODY WORN CAMERAS

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| Reviewed by: Asst. Chief Daniel Donath | Effective Date: June 13, 2019 |
| Authorized by: Chief Clay E. Wheeler | Revision Date: |

PURPOSE

This SOP provides guidelines for the use of Body Worn Cameras (BWC) by officers of this Department while in the performance of their duties. This SOP does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see Mobile Video Recorders SOP 1.24).

The Bloomington Police Department may provide officers with access to Body Worn Cameras for use during the performance of their duties. The use of the BWC is intended to enhance the mission of the Department by accurately capturing contacts between officers of the Department and the public. They also serve to enhance the accuracy of reports and testimony in court.

All recordings made by personnel acting in their official capacity as officers of this Department shall remain the property of the Bloomington Police Department and should not be considered private.

The contents of this SOP are written to conform to 50 ILCS 706/10-20.

DEFINITIONS

Active Recording means the process of initiating the capture of data or information stored on a recording medium as required under this Act.

Badge Number means an officer's department issued identification number associated with his or her position as a law enforcement officer with that department.

Board means the Illinois Law Enforcement Training Standards Board created by the Illinois Police Training Act.

Business Offense means a petty offense for which the fine is in excess of \$1,000.

Community Caretaking Function means a task undertaken by a law enforcement officer in which the officer is performing an articulable act unrelated to the investigation of a crime. This 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.

In Uniform means a law enforcement officer who is wearing any officially authorized uniform designated by a law enforcement agency, or a law enforcement officer who is visibly wearing articles of clothing, a badge, tactical gear, gun belt, a patch, or other insignia signifying that he or she is a law enforcement officer acting in the course of his or her duties.

Law Enforcement Officer or **Officer** means any person employed by a State, county, municipality, special district, college, unit of government, or any other entity authorized by law to employ peace officers or exercise police authority and who is primarily responsible for the prevention or detection of crime and the enforcement of the laws of this State.

Law Enforcement Agency means all State agencies with law enforcement officers, county sheriff's offices, municipal, special district, college, or unit of local government police departments.

Law Enforcement-related Encounters or Activities include, but are not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol, or any other instance in which the officer is enforcing the laws of the municipality, county, or state. This *does not* include when the officer is completing paperwork alone or only in the presence of another law enforcement officer.

Minor Traffic Offense means a petty offense, business offense, or Class C misdemeanor under the Illinois Vehicle Code or a similar provision of a municipal or local ordinance.

Officer-Worn Body Camera means an electronic camera system for creating, generating, ending, receiving, storing, displaying, and processing audiovisual recordings that may be worn about the person of a law enforcement officer.

Peace Officer has the meaning provided in Section 2-13 of the Criminal Code of 2012.

Petty Offense means any offense for which a sentence of imprisonment is not an authorized disposition.

Pre-Event Recording means the temporary capture of 30 seconds of video, anytime the camera is in a powered on status. This video only recording will be preserved if "active recording" mode is initiated.

Recording Medium means any recording medium authorized by the Board for the retention and playback of recorded audio and video including, but not limited to, VHS, DVD, hard drive, cloud storage, solid state, digital, flash memory technology, or any other electronic medium.

PROCEDURE

1. The Chief of Police or authorized designee should appoint a coordinator responsible for maintaining compliance with Public Act 099-0352. Additionally, the appointed person(s) will be responsible for:
 - a. Identifying personnel (officers) who are assigned BWCs
 - b. Identifying personnel who are permitted to access recordings in order to redact, label or duplicate recordings.
 - c. Providing training on the care and maintenance of the BWCs.
 - d. Providing an annual report to the ILETSB pursuant to 50 ILCS 706/10-25.
 - e. Ensuring the Department uses authorized BWCs camera recording media.
2. Cameras must be equipped with pre-event recording, capable of recording at least the 30 seconds prior to camera activation. Pre-event recordings shall be video-only recordings. Audio/video recordings will begin from the time the officer initiates recordings.
3. Cameras must be capable of recording for a period of 10 hours or more.
4. Cameras must be in "Active Recording" mode at all times when the officer is in uniform and is responding to calls for service or engaged in any law enforcement-related encounter or activity that occurs while the officer is on-duty.
 - a. If exigent circumstances exist which prevent the camera from being put into "Active Recording" mode, the camera must be put into "Active Recording" mode as soon as practicable.
 - b. Upon initiating "Active Recording" mode, department members will verbally announce to the individual(s) that they are being recorded. An example of an announcement that would meet this requirement would be "*Hello, I am Officer _____, you are being recorded.*" If exigent circumstances exist which prevent the officer from providing notice, notice must be provided as soon as practicable.
 - c. Cameras may be turned to "Pre-event Recording" mode when the officer is inside of a patrol car which is equipped with an in-car recording system that is a separate system than the BWC; however, the officer must put the camera in "Active Recording" mode upon exiting the patrol vehicle for law enforcement-related encounters.
5. Camera recordings must be put into "Pre-event Recording" mode when:
 - a. The victim of a crime requests that the camera recording be turned off, and unless impractical or impossible, that request is made on the recording. Officers may continue

"Active Recording" mode when it is not clear who the victim of a crime may yet be. Once it is adequately established that a person is the victim of a crime and they request that body camera recording end, an officer must end it; or

- b. A witness of a crime or a community member who wishes to report a crime requests that the camera recording be turned off, and unless impractical or impossible that request is made on the recording; or
- c. The officer is interacting with a confidential informant used by the law enforcement agency.

However, an officer may continue to record or resume "Active Recording" mode of a victim or a 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 in 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.

5.5 Cameras may be put into "Pre-event Recording" mode in certain situations.

- a. Cameras may be put into "Pre-event Recording" mode when the officer is engaged in community caretaking functions. However, the camera must be put into "Active Recording" mode when the officer has reason to believe that the person on whose behalf the officer is performing a community caretaking function has committed or is in the process of committing a crime. If exigent circumstances exist which prevent the camera from being put into "Active Recording" mode, the camera must be put into "Active Recording" mode as soon as practicable.
- b. When acting as crime scene security for an extended period of time and not engaged with any member of the public related to a law enforcement related purpose. However, an officer should consider continuing to record if there is value in capturing persons who are at or near the scene.
- c. When not directly engaged with a compliant custody at a medical facility and that custody will be at the medical facility for an extended period of time.
- d. When at the Bloomington Police Department and not engaged in a law enforcement-related activity.
- e. Citizens wanting to provide confidential information, unless the officer believes their safety or liability would be at risk. The request by the citizen to put the camera into "Pre-event Recording" mode must be recorded.
- f. Shift level crime scene technicians may put their camera in "Pre-event Recording" mode if processing a crime scene. However, if their role shifts from crime scene processing

only to engaging in other law enforcement related activities, their camera shall be put back into “Active Recording” mode.

6. For the purposes of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to only those personnel responsible for those purposes. The recording officer and his or her supervisor may access and review recordings prior to completing incident reports or other documentation, provided that the officer or his or her supervisor discloses that fact in the report or documentation. While it is not required that an officer review his or her BWC recordings prior to writing a report, it is strongly suggested to do so when writing any report that is not administratively closed.
7. Recordings made on officer-worn cameras must be retained by the law enforcement agency or by the camera vendor used by the agency, on a recording medium for a period of 90 days.
 - a. Under no circumstances shall any recording made with an officer-worn body camera be altered, erased, or destroyed prior to the expiration of the 90-day storage period.
 - b. Following the 90-day storage period, any and all recordings made with an officer-worn body camera must be destroyed, unless any encounter captured on the recording has been flagged. An encounter is deemed to be flagged when:
 - i. a formal or informal complaint has been filed; or
 - ii. the officer discharged his or her firearm or used force during the encounter; or
 - iii. death or great bodily harm occurred to any person in the recording; or
 - iv. the encounter resulted in a detention or an arrest, excluding traffic stops which resulted in only a minor traffic offense or business offense; or
 - v. the officer is the subject of an internal investigation or otherwise being investigated for possible misconduct; or
 - vi. the supervisor of the officer, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution; or
 - vii. the recording officer requests that the video be flagged for official purposes related to his or her official duties.
 - c. Under no circumstances shall any recording made with an officer-worn body camera relating to a flagged encounter be altered or destroyed prior to 3 years after the recording was flagged. If the flagged recording 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.

8. Following the 90-day storage period, recordings may be retained if a supervisor at the law enforcement agency designates the recording for training purposes. If the recording is designated for training purposes, the recordings may be viewed by officers, in the presence of a supervisor or training instructor, for the purposes of instruction, training, or ensuring compliance with agency policies.
9. Recordings shall not be used to discipline law enforcement officers unless:
 - a. a formal or informal complaint of misconduct has been made; or
 - b. a use of force incident has occurred; or
 - c. the encounter on the recording could result in a formal investigation under the Uniform Peace Officers' Disciplinary Act; or
 - d. as corroboration of other evidence of misconduct.

Nothing in this paragraph 9 shall be construed to limit or prohibit a law enforcement officer from being subject to an action that does not amount to discipline.

10. The law enforcement agency shall ensure proper care and maintenance of officer-worn body cameras. Upon becoming aware of a failure of their (BWC), the officer should notify via email their immediate supervisors and the email group POLICE BWC. If the officer becomes aware of a failure while on a call for service, they should provide a verbal notification to dispatch if practical to do so. Upon receiving notice, the immediate supervisor shall make every reasonable effort to correct and repair any of the officer-worn body camera equipment or issue a replacement BWC. Only supervisors who have completed training on basic maintenance of the BWC shall attempt to service a device that is need of repair.
11. 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. However, an officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.

Potential Criminal Penalties:

1. Official Misconduct 720 ILCS 5/33-3
2. Disorderly Conduct 720 ILCS 5/26-1

Potential Departmental Discipline:

1. Subject to All Laws, Rule 1-2
 2. Conduct Unbecoming, Rule 1-3
 3. Familiarization, Rule 2-1
12. Officers will be trained on the particular BWC they utilize before actually using the BWC.
13. Notwithstanding 5 and 5.5, once started, recordings should continue without interruption until the event has concluded, all persons stopped have been released, or the officer has left the scene. In the event of an arrest, the incident is concluded when the prisoner transport is complete.
14. At no time is an officer expected to jeopardize his or her safety in order to activate a BWC or change the recording media/settings. However, the BWC should be activated in required situations as soon as practicable.
15. Officers should upload their BWC recordings in accordance with current procedure for storing digital files at the end of their shift and any time during the shift that creates efficiency to investigations and/or writing reports. Officers are expected to manage the time it takes to upload their BWC recordings as to not cause unnecessary overtime.
16. Body worn cameras shall not be used to record:
- a. Communications with other police personnel, during routine, non-enforcement related activities.
 - b. When an officer is on break or is otherwise engaged in personal activities.
 - c. In any location where individuals have a reasonable expectation of privacy, such as locker rooms, dressing rooms, and/or restrooms while not engaged in a law-enforcement related activity.
17. Officers who may have questions regarding the application of this policy are encouraged to seek clarification from supervisory personnel.
18. If an officer downloads any digital evidence outside of the Department approved digital asset management system, it must be for official police purposes only and on city owned devices only. The digital copy must be deleted pursuant to statutory retention periods and/or court orders. Personal copies will not be permitted. Officers are not allowed to record BWC video with a cell phone, camera, or other method. If an officer does download any digital evidence outside of the digital asset management system, they shall note the reason for doing so in the "Notes" section of the digital evidence downloaded.
19. Digital evidence management should be done according to the Department's provided training.

20. Officers will only use department issued audio/video recording equipment when recording audio and/or video in the performance of their duties.
21. Body worn cameras should be securely attached to the front of the of the officer's person, above the waistline, facing forward, with an unobstructed view that provides for the effective recording of an incident.
22. Supervisors who review a use of force submission or receive a complaint shall review the pertinent BWC recordings and insure the related BWC recordings are flagged appropriately.
23. Supervisors who review monthly random BWC recordings of the officers assigned to them, shall note in the "Notes" field of the video that the viewing was for their random audit.
24. Officers shall access Evidence.com using their unique user access credentials only while on duty and from a Department device. Officers shall not share their unique access credentials with others. Officers are authorized to view recordings pertaining to calls for service they responded to and criminal investigations they are assigned. Field Training Officers and Field Training Supervisors assigned to work with a Probationary Patrol Officer are authorized to view the Probationary Patrol Officer videos.