
CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE

POLICY NUMBER: 40.1

SUBJECT: BODY-WORN CAMERAS

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PURPOSE:

The purpose of this policy is to provide officers with instructions on when and how to use body-worn cameras so that officers reliably record contacts with the public in accordance with the Law Enforcement Officer-Worn Body Camera Act, 50 ILCS 706/10.

POLICY STATEMENT:

It is the policy of the Champaign Police Department to provide officers with body-worn cameras (BWCs). The Department is committed to the belief that video and audio documentation of an officer's encounter with the community is an important and valuable resource, which is also required by law. The use of BWCs facilitates professionalism, accountability, and transparency by documenting interactions with the public. This policy is not intended to circumvent instances when a person has a reasonable expectation of privacy, which could erode relationships with the community by capturing footage or conversations with citizens who do not wish to be recorded. The police department strives to respect the reasonable privacy expectations of civilians, as provided by law.

The Department recognizes that the BWC may not capture what the officer sees and hears or what an officer senses or experiences. The recorded images do not provide the totality of the circumstances that drive the officer's response to a particular situation. Officers will continue to provide police reports to ensure the totality of each incident is documented.

DEFINITIONS:

Alter: Permanently change the original video, audio, photo, or electronic file into something other than its original state. Such term does not include authorized labeling or numbering as defined and authorized in this policy. Nothing in the Law Enforcement Officer Worn Body Camera Act prohibits law enforcement agencies from labeling officer-worn body camera video within the recording medium, provided that the labeling does not alter the actual recording of the incident captured on the officer-worn body camera. The labels, titles, and tags shall not be construed as altering the officer-worn body camera video in any way.

Axon Capture: An application-based program available for Android and iOS that enables Axon authorized users to capture photos, videos, and audio files and upload those files directly into evidence.com. In addition, the application enables users to import pictures and videos from the camera roll on the device and send out community request links to community members, inviting them to share evidence and upload that evidence to evidence.com.

Axon Device Manager (Axon DM): An application-based program available for Android and iOS that enables Axon BWCs to be registered, assigned, or re-assigned to different users.

Axon Respond: An application-based program available for Android and iOS that enables authorized users to view the locations of BWCs and live view BWCs buffering and in event mode. Each BWC is equipped with cellular connectivity to utilize the GPS location of each device. The GPS location of each BWC can be viewed with the Axon Respond function of evidence.com or the Axon Respond mobile app. Axon Respond can be configured to provide high-priority alerts broadcast from other Axon devices, such as the Taser 10, Axon Fleet, or Axon Signal Sidearm. The Department has set Axon Respond to only allow live viewing of videos when the camera is in event mode.

Axon View: An application-based program available for Android and iOS that enables authorized users to pair a BWC with the application and view recorded BWC videos on the connected device via a Bluetooth/Wi-Fi connection.

Axon View XL: A computer-based program that enables authorized users to connect a BWC via a USB-C cable to Axon View XL and view videos on the device, upload videos, perform firmware updates on a BWC, and assign and re-assign connected devices.

Axon Performance: A feature on the evidence.com user dashboard that enables the department to assign supervisors to perform random video reviews of supervised personnel. Device metrics and other settings related to the operation of the BWC and actions with uploading evidence into evidence.com can also be enabled and tracked.

Axon3: A disposition code used by the Police Department to indicate that a video is “flagged” for a retention period of 3 years or greater.

Axon90: A disposition code used by the Police Department to indicate that a video is “not flagged” for retention and, after 90 days, will be deleted from the system.

Audio Recording: Electronic recording of conversation or spoken words.

Auto-Tagging: The process by which BWC videos are tagged with the case number and category (Axon3 or Axon90). This data is typically added within six to eight hours of the BWC video being uploaded to Evidence.com. Data can be entered manually using Axon View or Evidence.com. Officers must be assigned to a call for service in TylerCAD at the time of video creation or within two minutes of the video starting for auto-tagging.

Body-Worn Camera (BWC): An electronic camera system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings that may be worn about the person of a law enforcement officer that is capable of at least a 30-second pre-record buffering in addition to recording audio and video for a period of at least 10 hours.

Buffering Mode: The period during which a BWC is pre-recording video only and is ready to instantly enter event mode. The BWC is considered off while buffering until an event recording is initiated. Therefore, policy defines buffering as “turned off” as it applies to citizens requesting that they not be recorded.

Business Offense: A petty offense for which the fine is more than \$1,000.

Charging Cable: A USB-C charging cable suited to charge an Axon BWC device or transfer data via a USB cable.

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. Includes, but is not limited to, participating in town halls or other community outreach, helping a child find their parents, providing death notifications, and performing in-home or hospital well-being checks on the sick, elderly, or persons presumed missing. Community Caretaking Function excludes law enforcement-related encounters or activities described below in this policy.

Courtesy Dock: A secondary storage/uploading hub for Department BWCs utilized by on-duty personnel for the convenience of having BWCs near the

assigned user.

Community Request: A capability of Axon Capture and evidence.com that enables authorized Axon users to send links to community members, which enables them to upload pictures and videos into evidence.com for an officer to review and either accept or decline.

Duplicate: Make a copy of a file, image, video, or other media, either electronically or otherwise.

Docking Station: The primary storage and charging/uploading hub for Department BWC devices available for service. Each officer will have a designated spot to charge and store their BWC at a docking station. The docking station is connected to the internet and will upload all videos, provide all firmware updates, and charge the device.

Event Mode: When the event button on the BWC is activated, and the camera is recording both audio and video. The buffered video, not audio captured directly before the event, will be saved and attached to the event’s permanent memory.

Evidence.com: A website managed by Axon that enables Department staff to access and manage all digital evidence.

Flagged: Process of placing a category on a video file to associate the video file with an incident to ensure that the appropriate retention time frames are applied in accordance with this policy and the Law Enforcement Officer Worn Body Camera Act.

Great Bodily Harm: Bodily injury that creates a substantial risk of death or which is likely to cause serious permanent disfigurement or loss or extended impairment of the function of any body part or organ.

Inoperable: A BWC that does not turn on, stops recording before an officer stops the recording, or is incapable of recording audio or video.

Law Enforcement Officer: 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-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.

Live View: The ability for authorized users to watch Axon BWCs while buffering or recording in event mode. The Department has set Axon BWCs to allow live view only in event mode.

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

Redact: The process of visually and/or audibly obscuring or masking information on a non-original copy of a video, audio, or photo file to protect privacy and sensitive information from being released prior to publication.

Petty Offense: Any offense for which a sentence of imprisonment is not an authorized disposition.

Priority Evidence Offload: A feature on Axon Body 3 cameras that enables the BWC to remotely upload critical BWC videos to Evidence.com utilizing built-in cellular data. Videos longer than an hour will automatically be rejected by the system and will not upload.

Pre-Event Buffering: The designated period a BWC is recording video prior to entering event mode. Axon BWCs are perpetually in pre-event buffering mode when turned on, and the recording is overwritten continuously until an event is established, at which time, the pre-event recording becomes part of the recorded event. The Police Department is setting the BWC pre-event buffering period to thirty seconds with no audio recording, and officers will be informed if these settings change through an update to policy.

Verbal Announcement/Notice: Verbal statement by the officer indicating a BWC is recording the interaction. Example: "My body camera is on; you are being recorded."

Video Recording Program Manager (VRPM): The management of the BWC program will be the responsibility of a lieutenant as assigned by the Chief of Police. The VRPM is responsible for handling or directing administrative and management matters related to the Department's BWC program as outlined in this policy or as further directed by the Chief of Police or Deputy Chief.

POLICY:

40.1.1 UNIFORMED OFFICERS RESPONSIBILITIES

- A. Officers dressed in Class A, B, or C uniforms and working shifts, details, or special events shall wear their assigned body camera while on duty as part of their standard duty equipment.
- B. Prior to going into service, uniformed officers shall inspect the BWC to ensure that it is in proper operating condition. Inspection will consist of initiating a system check recording to ensure the camera has synced to the squad the officer will be driving (if it is equipped with an Axon Fleet in-car video system) and recordings are beginning and functioning properly.

The officer shall report Inoperable or missing BWCs to an immediate supervisor as soon as the

officer becomes aware unless exigent circumstances exist. That supervisor will use Axon DM or Evidence.com to issue and assign a designated spare BWC from the docking station. The inoperable device will be placed in the tray at the docking station, and an incident form will be completed. The supervisor will notify the VRPM of inoperable equipment by the end of their shift by e-mail. All efforts will be made to investigate and locate missing BWCs as soon as possible after it is discovered to be missing. Audit trails, GPS data, and other tools on evidence.com may assist in the investigation. Supervisors may call the VRPM during business hours for assistance or e-mail the efforts to recover the missing BWC by the end of their shift.

- C. At the end of their shift, officers shall return the BWC to the docking station for uploading. The BWC shall remain at the docking station until the officer's next shift. Officers are not authorized to take their BWC home without a supervisor's approval.
- D. On-call personnel, including administrators, K-9 officers, investigators, and select CSU team members, are granted authorization to take their assigned BWC home if doing so will expedite their response times and if authorized by a lieutenant or above. A charging cable will be issued to on-call personnel so BWCs can be charged remotely. Department staff authorized to take their BWC home shall ensure that all recorded videos are uploaded to Evidence.com, and firmware updates are applied to BWCs in a timely manner either through the docking station, courtesy dock, or via the charging cable and Axon ViewXL. Best practice would ensure the BWC stays on a docking station or courtesy dock at least three consecutive hours per week.
- E. Supervisors shall ensure that recording procedures are followed, and officers submit BWC media as required by the law and Department policy. Supervisors shall regularly run reports on Evidence.com to ensure officers classify videos and flag them appropriately for retention.
- F. Should an incident arise that requires the immediate retrieval of the recorded media (e.g., officer-involved shooting or serious officer-involved incident), a supervisor shall direct the officer to use priority evidence offload on the Axon BWC. If priority evidence offload is not working, then a supervisor will assign a spare BWC from the docking station to the officer and deliver that BWC to the officer in the field. The supervisor will recover the BWC from the officer and transport the BWC to the Department for placement on the docking station for immediate upload. Officers shall not return to duty until equipped with a fully functioning replacement BWC. As soon as practicable, the supervisor shall ensure the recording(s) are uploaded into Evidence.com and e-mail the VRPM to ensure the recording(s) are labeled appropriately.

40.1.2 UNIFORMED OFFICERS REQUIREMENTS

- A. Department members shall only use Department-issued Axon BWCs.
- B. Officers shall have discretion regarding BWC placement on their person, as approved by the Department, and that which is consistent with Axon recommendations. BWCs shall be worn so videos can be clearly viewed and in such a way as not to block or encumber the video recording. A BWC mount will be issued to each sworn officer and can be exchanged with the VRPM if an officer desires a change.
- C. Officers will place their BWCs into event mode when responding to calls for service or engaging in any law enforcement-related encounter or activity that occurs while the officer is on duty. Community caretaking functions are exempted from this requirement, and officers are permitted to keep their BWCs buffering during these functions. If a community caretaking function evolves into a law-enforcement-related activity, then the BWC will be placed into event mode, and the remainder of the encounter shall be recorded.
- D. Officers shall ensure the BWC is turned on during their entire tour of duty. When turned on, an Axon BWC is in buffering mode and will not record video until placed into event mode. Exceptions to keeping the BWC turned on are listed in paragraph H below.
- E. If a police report is written, the officer shall document in the report that a BWC recorded the incident or interaction and note the existence of the recording in the narrative section of that report and the retention period that will be placed on that evidence either by auto-tagging or manually. All BWC recordings flagged as Axon3 require a police report and an evidence entry in Tyler RMS.
- F. Field Training Officers wearing plain clothes shall be equipped with a BWC and shall use the camera in accordance with this section.
- G. In all circumstances other than those described in paragraphs (I) and (J) of this section, once a body camera recording has been initiated, the officer shall not cease recording until a reasonable and prudent person would consider the stop or contact to be completed, except when:
 - 1. The initial incident that required the activation has stabilized or concluded; the officer is not actively interacting with citizens or actively participating in the investigation, and the officer does not reasonably anticipate doing so in the immediate future; or
 - 2. The officer is engaged in scene protection or other similar activity and reasonably believes there is no longer any necessity to record.
- H. Officer shall ensure that BWCs are changed from event mode to buffering mode when:
 - 1. The victim of a crime requests that the camera be turned off, and unless impractical or impossible, that request is made on the recording.
- I. A witness or a community member who wishes to report a crime request that the camera be turned off, and unless impractical or impossible, that request is made on the recording.
- J. The officer is interacting with a confidential informant who is providing confidential information to a law enforcement agency.
 - I. 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, the officer may continue to record that person. In these situations, unless impractical or impossible, the officer must verbally indicate the reason for continuing to record despite the request from the victim, witness, or confidential informant.
- J. When a BWC recording is changed from event mode to buffering mode by an officer prior to the conclusion of an event, the officer shall:
 - 1. Describe the reason by narration prior to deactivation.
 - 2. Document the reason for deactivation in the report if one is written.
- K. BWCs may be switched from event mode to buffering mode when a person in custody is willing to speak with the officer but refuses to do so unless the camera is turned off unless the law requires the recording because of the offense.
 - 1. Offenses that require recording of custodial interrogations are:
 - a. Juveniles in custody for misdemeanor or felony Sex Offenses under Article 11 of the Illinois Criminal Code and any state felony charge.
 - b. Adults in custody for murder, homicide, manslaughter, voluntary manslaughter, reckless homicide, drug-induced homicide, fatal DUI, predatory criminal sexual assault, aggravated arson, aggravated kidnapping, aggravated vehicular hijacking, home invasion, aggravated criminal sexual assault, armed robbery, aggravated battery with a firearm.
- L. Because it may not be immediately apparent to an officer which subjects are witnesses, victims, suspects, or unrelated bystanders, officers are required to keep the BWC in event mode while they determine the role of each person in the incident. Officers are not expected to make a positive determination of what each person's role was prior to conducting interviews; the standard will be a reasonable belief based on the available information to the officer at that time.

- M. Officers will not unreasonably endanger themselves or another person to conform to this policy. In any situation in which the BWC is required to be turned on, and exigent circumstances exist that prevent the BWC from being placed in event mode as directed by this policy, the BWC must be placed in event mode as soon as practicable. The reason for the delay will be noted in the police report or dispatch ticket if there is no report.
- N. Officers are encouraged to provide verbal notice to the subject being recorded unless it is unsafe to do so or exigent circumstances exist.
- O. Officers may record telephone conversations on their BWC that involve law enforcement-related encounters or activities as defined by this policy. If an officer records a telephone conversation, they shall provide a verbal announcement/notice to the other party of the recording at the beginning of the conversation or as soon as reasonably possible. The exemptions in section H are applicable during the recording of law enforcement-related telephone conversations.
- P. Officers must provide a verbal announcement of recording to any person if the person has a reasonable expectation of privacy, such as a person's place of residence, bathrooms, locker rooms, and hospital rooms. Proof of notice must be evident in the recording. If exigent circumstances exist that prevent the officer from providing notice, notice must be provided as soon as practical.
- Q. An officer may initiate a BWC recording any time the officer believes it would be appropriate or valuable to document an incident.
- R. Officers are not required to record consensual contacts or community care-taking functions with citizens unless that contact becomes confrontational or changes to an investigative or law enforcement-related activity or if they believe doing so would otherwise be beneficial.
- S. BWCs may be switched from event mode to buffering mode when the officer is inside a correctional facility or courthouse equipped with a functioning camera system.
- T. Officers will not turn off the power to their BWC during their shift or detail. The BWC will remain on and be in either buffering mode or event mode. If a BWC loses power during a call for service, then METCAD will be notified, and the loss of power will be noted on the incident ticket. A supervisor shall be notified, and a new BWC issued prior to returning to service, except in a deadly force situation.
- U. Officers' recordings may be live viewed by supervisors utilizing Axon Respond. Live view will be utilized for better supervision and during critical incidents. Viewing live videos is part of the supervisory process. Supervisors are encouraged to use the live view capability of Axon Respond in the performance of their supervisory duties.
- 1. Supervisors in the rank of Sergeant are prohibited from accessing live view recordings off duty unless they oversee a specialized unit or are preparing to respond to a critical incident.
- 2. All live view recordings will require a justification prior to watching the video. An incident number will be listed if available, and/or a short justification of the circumstance and the purpose for viewing the video.
- 3. Under no circumstances will a live view recording be re-recorded by another recording device or broadcast for viewing to anyone outside of law enforcement
- V. Officers will always wear their BWC outside of the Police Department while on shift, with certain exceptions listed below. The exceptions will not indemnify nor be an acceptable justification for an officer not to retrieve their BWC prior to returning to service and entering a law enforcement encounter that must be recorded by policy and law.
 - 1. During meal breaks in a non-public setting; or
 - 2. During personal breaks; or
 - 3. When inside the Department, BWCs may be on the docking station or courtesy dock to upload and recharge the camera.
 - 4. Inside the squad car, while attached to the charging cable for emergency recharging.
- W. Officers are hereby notified that every action and button press on a BWC is recorded by Axon and available to supervisors via an audit trail on Evidence.com. Each time a camera is activated, buffered, turned off, etc., it is recorded and auditable.

40.1.3 NON-UNIFORMED OFFICERS REQUIREMENTS

- A. Officers assigned to the Investigations Division or any other non-uniformed position shall wear a BWC when wearing outer protective vests that identify them as police officers.
- B. Officers assigned to the Investigations Division or any other non-uniformed position shall be equipped with a BWC and record the following situations:
 - 1. An in-person interrogation, whether custodial or non-custodial, of an individual suspected of committing a crime, regardless of the location of that interrogation.
 - 2. A planned arrest detail.
 - 3. Execution of a search warrant.
 - 4. A uniformed detail.
 - 5. A uniformed patrol assignment. Any

enforcement stops of a person or vehicle.

6. Response to an emergency call for service.
 7. Any other law enforcement encounters as directed by a supervisor.
- C. When an interrogation that must be recorded by law or this policy takes place in a location that has other video and audio recording options, such as an interview room, that equipment may be used in lieu of the officer's BWC.
- D. Officers assigned to the Investigations Division, or any other non-uniformed assignment may carry and use an approved Axon BWC at any time the officer believes that such a device may be useful in recording statements from other involved parties or documenting evidence.
- E. Non-uniformed officers involved in the execution of a search warrant may deactivate the BWC recording once the scene is secure if they are not involved in an interrogation or are no longer in contact with citizens involved in the search warrant.
- F. Non-uniformed officers will have their assigned BWC available and operational at all times.

40.1.4 SWAT PERSONNEL REQUIREMENTS

- A. Members of the Department's SWAT team will wear a body camera during all search warrants, arrest details, or other incidents as directed by the team leader.
- B. Unless unsafe to do so, officers will begin the body camera recording just prior to the execution of a search warrant, arrest activity, or other enforcement activity, or at any time directed to by a supervisor.
- C. SWAT officers may deactivate the BWC recording once the scene is secure, provided they are not involved in an interrogation or are no longer in contact with involved citizens.
- D. The SWAT Team Commander, SWAT Team Leader, or Assistant SWAT Team Leader may exempt a SWAT sniper from these requirements based upon operational needs.
- E. The SWAT team will be issued two additional BWCs, designated SWAT1 and SWAT2, when supplies of spare BWCs are available. These cameras will be used for pole cameras and live view as determined by the SWAT Team Commander. The SWAT Team Commander shall safeguard these additional cameras and ensure they remain charged, recorded videos are uploaded to evidence.com, and that they receive necessary firmware updates.

40.1.5 PROHIBITED USE

- A. Body cameras shall not be used to record:

1. Communications with other police personnel during routine, non-enforcement-related activities.
2. Communications with police personnel during planning and tactical discussions.
3. Encounters with undercover officers or informants.
4. When an officer is on break or is otherwise engaged in personal activities.
5. In any location where individuals have a reasonable expectation of privacy, such as a person's residence, locker rooms, dressing rooms, and/or restrooms, except during legitimate law enforcement encounters.
6. Any activity during off-duty employment unless permitted by the Chief of Police and only when in a law enforcement encounter.

- B. Officers who inadvertently activate the BWC during non-law enforcement activities or in a setting where others would have a reasonable expectation of privacy (place of residence, locker rooms, dressing rooms, and/or bathrooms) shall notify their supervisor immediately. The supervisor who was notified will, as soon as possible, classify the recording as "Private." The Deputy Chief of the officer who inadvertently made the recording will review the recording only to the point where it can be determined that the recording was appropriately classified as "Private." Only Deputy Chiefs and the Chief of Police will have viewing rights for recordings classified as "Private." "Private" recordings will be retained for a period of 90 days.
- C. Officers are prohibited from using Department-issued BWCs and recording media for personal use and from making personal copies of recordings created while on duty or while acting in their official capacity.
- D. Any officer shall not use recordings for the purpose of entertainment, embarrassment, or ridicule.
- E. Officers who are off-duty and who take official action are not expected to be in possession of their assigned body cameras.

40.1.6 PUBLIC RECORDINGS

- A. No officer may hinder or prohibit any person, not a law enforcement officer, from recording a law enforcement officer in the performance of their duties in a public place or when the officer has no reasonable expectation of privacy.
- B. Unlawful confiscation or destruction of a recording medium of a person who is not a law enforcement officer in violation of this policy may result in criminal penalties and/or departmental discipline.
- C. Notwithstanding the foregoing, an officer is authorized to take reasonable actions to maintain safety and control, secure crime and accident

scenes, protect the integrity and confidentiality of individuals and investigations, and protect public safety and order.

40.1.7 RECORDINGS REVIEW

- A. All images and sounds recorded by body cameras are the exclusive property of the Department.
- B. BWC recordings may only be accessed or viewed for official purposes.
- C. Only authorized staff are permitted to redact and duplicate BWC recordings for official purposes. Unauthorized use, edits/alterations, deletions, redactions, labeling, duplicating, and/or distribution of BWC files are prohibited. Furthermore, the recording officer or their supervisor may not redact, duplicate, or otherwise alter the recording officer's BWC recordings. Authorized staff includes staff assigned to redact and duplicate recordings in the Police Services Unit, Evidence Technician staff, Public Information Officer, Professional Standards administrators, the VRPM and AVRPM, and other staff as directed by the Chief of Police.
- D. The recording officer and the officer's supervisor may access and review BWC recordings prior to completing incident reports or other documentation, provided that the officer or their supervisor discloses that fact in the report or documentation, with the following exceptions:
 - 1. Officers shall not have access to or review their own BWC recordings or the BWC recordings of another officer prior to completing incident reports or other documentation when the officer:
 - a. Has been involved in or is a witness to an officer-involved shooting, use of deadly force incident, or use of force incidents resulting in great bodily harm;
 - b. Is ordered to write a report in response to or during the investigation of a misconduct complaint against the officer;
 - c. If either of the above two exemptions applies, and if the officer prepares a report, the report shall be prepared without viewing BWC recordings;
 - d. Subject to written approval from a Lieutenant or above, officers may file amendatory reports after viewing BWC recordings, and any such supplemental reports shall contain documentation of supervisor approval of the officer viewing BWC footage prior to drafting the supplemental report.
- E. Officers shall not use the fact that a BWC recording was made as justification for writing a less-detailed report.
- F. Supervisors are authorized to review relevant

BWC recordings at any time, including when they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing an officer's performance.

- G. Recordings that are completed and viewed on Evidence.com shall not be used to discipline law enforcement officers unless:
 - 1. A formal or informal complaint of misconduct has been sustained; or
 - 2. An excessive 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.
- H. Nothing in 40.1.7, Section G, shall be construed to limit or prohibit a law enforcement officer from being subject to an action that does not amount to discipline, including but not limited to counseling.

40.1.8 RECORDING RETENTION

- A. Recordings made by BWCs 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.
- B. Under no circumstances shall any recording made by a BWC be altered, erased, or destroyed prior to the expiration of the 90-day storage period.
 - 1. Any alteration, erasure, or destruction of BWC recordings involving law enforcement activity prior to the expiration of the 90-day storage period shall be documented with a written record, including the name of the individual who made such alteration, erasure, or destruction, and the reason for the alteration, erasure, or destruction.
- C. Following the 90-day storage period, all BWC recordings must be destroyed unless any encounter captured on the recording has been flagged. An encounter is deemed to be flagged when:
 - 1. A formal or informal complaint has been filed; or
 - 2. The officer discharged their firearm or used force during the encounter; or
 - 3. Death or great bodily harm occurred to any person in the recording; or
 - 4. The encounter resulted in a detention or an arrest, excluding traffic stops which resulted in only a minor traffic offense, business offense; or

5. The officer is the subject of an internal investigation or otherwise being investigated for possible misconduct; or
 6. The supervisor of the officer, a prosecutor, a defendant, or a court determines that the encounter has evidentiary value in a criminal prosecution; or
 7. The recording officer requests that the video be flagged for official purposes related to their official duties.
- D. Under no circumstances shall any recording made with a BWC relating to a flagged encounter 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 shall not be destroyed except upon a final disposition and order from the court.
- E. Following the 90-day storage period, recordings may be retained if a lieutenant 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.
- F. BWC recordings, which are either not required or are restricted from being recorded by this policy but are related to a criminal investigation, shall be retained as part of the criminal investigation file.
- G. The VRPM will periodically audit the digital evidence in Evidence.com, identifying any digital evidence missing an ID or category. Officers not complying with this policy will be required to resolve the conflict as soon as possible or notify their supervisors about technical issues or other reasons the digital evidence cannot be properly labeled.

40.1.9 RELEASE OF RECORDINGS (FOIA)

- A. BWC recordings are not subject to disclosure under the Freedom of Information Act (FOIA), except that:
1. If the subject of the encounter has a reasonable expectation of privacy at the time of the recording, any recording that is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm, shall be disclosed in accordance with FOIA if:
 - a. The subject of the encounter captured on the recording is a victim or witness; and
 - b. The law enforcement agency obtains written permission from the subject or the subject's legal representative.
 2. Except as provided in paragraph (1) of this section, any BWC recording that is flagged due to the filing of a complaint, discharge of

a firearm, use of force, arrest or detention, or resulting death or bodily harm shall be disclosed in accordance with FOIA; and

3. Upon request, the law enforcement agency shall disclose, in accordance with FOIA, the recording to the subject of the encounter captured on the recording or to the subject's attorney, or the officer or their legal representative.
- B. For the purposes of paragraph (A)(1) of this section, the subject of the encounter does not have a reasonable expectation of privacy if the subject was arrested as a result of the encounter. For purposes of subparagraph (a) of paragraph (1) of this section, "witness" does not include a person who is a victim or who was arrested as a result of the encounter.
- C. Only BWC recordings or portions of BWC recordings responsive to the request shall be available for inspection or reproduction. Any BWC recording disclosed under FOIA shall be redacted to remove the identification of any person who appears on the recording and is not the officer, the subject of the encounter, or directly involved in the encounter. Nothing in this section shall require the disclosure of any BWC recording or portion of any recording which would be exempt from disclosure under FOIA.
- D. Nothing in this section shall limit access to a BWC recording for the purposes of complying with the Supreme Court rules or the rules of evidence.

40.1.10 VIDEO UPLOAD AND EVIDENCE DOCUMENTATION

- A. Recordings made by a BWC will be maintained using the Axon Digital Evidence Management System (DEMS), which is accessed through Evidence.com.
- B. Pursuant to the Law Enforcement Officer Worn Body Camera Act, all officers shall flag all BWC videos with a category using the following requirement:
1. AXON3: Any flagged incident involving a state or federal criminal offense, including DUIs, or the use of force. These incidents will be retained for three years.
 2. AXON90: All other recordings which are considered not flagged. These incidents will be retained for 90 days.
- C. Officers are responsible for ensuring that appropriate recordings are flagged in accordance with the statute. At the minimum, each officer will log into evidence.com weekly to ensure they are complying with the statute.
- D. The primary officer for each call for service shall designate to METCAD whether a call is flagged (Axon3) or not flagged (Axon90) either via the radio through METCAD or the officer's MDC. Most calls

for service that receive a disposition of Axon3 or Axon90 will be automatically "auto-tagged" by Axon on evidence.com.

- E. All major incidents requiring a category classification beyond three years will be completed by the assigned case agent or member of the Investigations Division. These calls for service will still be "flagged" by the primary officer with an initial disposition of Axon3.
- F. Supervisors or investigators may add a longer duration category classification tag to any video at their discretion by logging into evidence.com and changing the designation to a longer retention period.
- G. All evidence that is sensitive in nature may be given the classification category of "restricted" by an appropriate supervisor. Restricted evidence may only be viewed by department personnel with a need to view the video, and permissions to do so.
- H. Whenever an incident is recorded and a report is written regarding that incident, the recording and category classification shall be noted in the corresponding police report.
- I. Whenever a BWC records an incident, and that recording is entered as evidence, it is the responsibility of the officer who made the recording to ensure the existence of the recording(s) is entered into the property section of the police report.
- J. If an officer enters a recording into the property section of the report, he shall generate an evidence tag for the recording.
- K. Officers are required to upload all BWC recordings prior to the end of each tour of duty unless authorized by a supervisor to wait until the next day's shift. All BWCs that are returned to the docking station will have all the videos automatically uploaded to evidence.com without any further action. Calls for service that received a disposition of Axon3 or Axon90 will automatically generate an auto-tag by Axon for all videos associated with that call for service. Officers will only be required to check evidence.com weekly to ensure that their videos are appropriately flagged through the auto-tag process.
- L. Under no circumstances may an employee delete, erase, or alter a BWC recording prior to the expiration of the required storage period pursuant

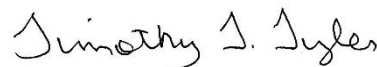
to this policy and state law. This policy does not restrict the ability to redact videos on evidence.com by department personnel with the appropriate permissions to do so. Redacting a video will make a new copy of that video but in no way will delete, erase or alter the original BWC recording.

- M. 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 user 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.

40.1.11 REPORTING

- A. The VRPM or his designee will provide an annual report to the Illinois Law Enforcement Training Standards Board on or before May 1 of each year. The report shall include:
 - 1. A brief overview of the makeup of the Department, including the number of officers utilizing BWCs.
 - 2. The number of BWCs used by the Department.
 - 3. Any technical issues with the equipment and how those issues were remedied.
 - 4. A brief description of the review process used by supervisors within the Department.
 - 5. Any other relevant information relevant to the administration of the program.

ISSUING AUTHORITY



Timothy T. Tyler
Police Chief
Champaign Police Department