
CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE

POLICY NUMBER: 40.2

SUBJECT: IN-CAR CAMERAS

EFFECTIVE DATE: 01/17/24
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REFERENCE ILEAP: OPR.01.11

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PURPOSE:

The purpose of this policy is to provide officers with instructions on when and how to use in-car cameras so that officers reliably record contacts with the public in accordance with 20 ILCS 2610/30.

POLICY STATEMENT:

The Champaign Police Department is committed to the belief that video documentation of an officer's encounter with the community is an important and valuable resource. The use of cameras 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 Department strives to respect the reasonable privacy expectations of civilians, as provided by law.

The Department recognizes that a camera 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 20 ILCS 2610/30 prohibits law enforcement agencies from labeling in-car camera video within the recording medium, provided that the labeling does not alter the actual recording of the incident captured by the in-car camera. The

labels, titles, and tags shall not be construed as altering the in-car camera video in any way.

Auto-Tagging: The process by which MVR videos are tagged with the case number and category (Axon3 or Axon90). This data is typically added within six to eight hours of the MVR 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 Tyler CAD at the time of video creation or within two minutes of the video starting for auto-tagging.

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 allow live viewing of videos only when the camera is in event mode.

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 a video is "not flagged" for retention, and it will be deleted after 90 days.

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

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

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 20 ILCS 2610/30.

In Uniform: 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, a gun belt, a patch, or other insignia indicating that he is a law enforcement officer acting in the course of his duties.

Inoperable: A mobile video system incapable of recording video from the front (main) camera.

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.

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.

Mobile Video Recording (MVR) System: A departmentally-provided video recording system permanently mounted in a police vehicle. (Axon Fleet in-car recording system).

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

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.

Video Recording Program Manager (VRPM): The management of the MVR 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 MVR program as outlined in this policy or as further directed by the Chief of Police or Deputy Chief.

POLICY:

40.2.1 MOBILE VIDEO RECORDING SYSTEMS

- A. Installation and service of Mobile Video Recording (MVR) systems will be in accordance with the manufacturer's specifications. Installation of the system will include linking brake applications, speed, and other activations onto the video recording.
- B. Only officers properly trained in the operation of the MVR will operate the system. The operation of the system will follow the manufacturer's recommendations.
- C. At the beginning of each shift, the driver of a vehicle equipped with an MVR will inspect the system to ensure that it is in proper operating condition. Inspection will consist of checking the audio and video

components of the system and verifying that the correct time and date are displayed. Any damage, defect, or malfunction that cannot be fixed by troubleshooting the problem and which renders the MVR inoperable will immediately be brought to the attention of a supervisor. The vehicle will be dead-lined, and the officer will select another unassigned vehicle. The supervisor shall notify the VRPM via e-mail prior to the end of their shift.

40.2.2 REQUIREMENTS FOR USE

- A. The MVR system will automatically begin recording any time the squad's overhead lights are activated for at least eight seconds or the vehicle's speed is more than 66 MPH. Double pressing the event button of a synced body-worn camera will not automatically activate the MVR.
- B. Officers shall activate their MVR when conducting law enforcement-related encounters or activities, including but not limited to traffic stops, "Terry stops," pedestrian stops, field interviews, abandoned vehicle contacts, motorist assists, commercial motor vehicle stops, roadside safety checks, requests for identification, or responses to requests for emergency service.
 1. Primary officers will activate their MVR prior to contact with the violator or prior to or upon arrival at the scene of the incident or investigation.
 2. Back-up or assisting officers will activate their MVR prior to or upon arrival at the scene of the enforcement stop, incident, or investigation. Auto-tagging will not categorize a video unless a recording is started within two minutes of being assigned to a call for service.
- C. There may be cases in which the MVR video is not of value because of conditions or the camera's location. However, the MVR recording may be valuable and subject to the same activation requirements described above.
- D. An officer may activate the MVR any other time the officer believes it would be appropriate or valuable to document an incident.
- E. In all circumstances, once an MVR 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, monitoring a special events traffic post, or other similar activity and reasonably believes there is no

longer any necessity to record. In all police-requested relocation services, officers shall record the entire relocation until its conclusion or until the scene is cleared.

- F. Any officer driving a police vehicle that is equipped with an MVR and a rear seat camera and who is responsible for transporting any person, in custody or otherwise, shall video record the transport. This will be accomplished by activating the rear seat camera.

40.2.3 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 violating 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.

40.2.4 RECORDINGS REVIEW

- A. All images and sounds recorded by MVR are the property of the Department.
- B. MVR recordings may only be accessed or viewed for official purposes.
- C. Only authorized staff are permitted to redact and duplicate MVR recordings for official purposes. Unauthorized use, edits/alterations, deletions, redactions, labeling, duplicating, and/or distribution of MVR files are prohibited. Furthermore, the recording officer or their supervisor may not redact, duplicate, or otherwise alter the recording officer's MVR recordings. Authorized staff includes staff assigned to redact and duplicate recordings in the Police Services Unit, Evidence Technician staff, Assistant to the Chief of Police for Community Services, 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 MVR 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 MVR recordings or the MVR 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 MVR recordings;
 - d. Subject to written approval from a Lieutenant or above, officers may file amendatory reports after viewing MVR recordings, and any such supplemental reports shall contain documentation of supervisor approval of the officer viewing MVR footage prior to drafting the supplemental report.
- E. Officers shall not use the fact that an MVR recording was made as justification for writing a less-detailed report.
 - F. Supervisors are authorized to review relevant MVR 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.
 - I. 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 of 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

40.2.5 RECORDING RETENTION

- A. Recordings made by MVRs 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 an MVR be altered, erased, or destroyed prior to the expiration of the 90-day storage period.
 1. Any alteration, erasure, or destruction of MVR 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 MVR 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 an MVR 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. MVR 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.

40.2.6 RELEASE OF RECORDINGS (FOIA)

- A. MVR 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 MVR 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 MVR recordings or portions of MVR recordings responsive to the request shall be available for inspection or reproduction. Any MVR 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 MVR recording or portion of any recording which would be exempt from disclosure under FOIA.

- D. Nothing in this section shall limit access to an MVR recording for the purposes of complying with the Supreme Court rules or the rules of evidence.

40.2.7 VIDEO UPLOAD AND EVIDENCE DOCUMENTATION

- A. Recordings made by an MVR will be maintained using the Axon Digital Evidence Management System (DEMS), which is accessed through Evidence.com.
- B. Pursuant to 20 ILCS 2610/30, all officers shall flag all MVR 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. 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.
- F. 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 permission to do so.
- G. Whenever an incident is recorded and a report is written regarding that incident, the recording and classification shall be noted in the corresponding police report.
- H. Whenever an MVR 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.
- I. If an officer enters a recording into the property section of the report, he shall generate an evidence tag for the

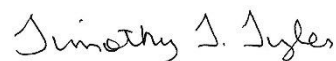
recording.

- J. The Mobile Video Recording System will automatically wirelessly upload digital recordings onto Evidence.com after the recording has stopped through the cellular connection in the squad car. A copy of the video will remain on the hub for three hours, during which time an officer may review it if permitted by law. If a cellular connection fails to upload the recording in the field it will automatically upload via Wi-Fi when a squad car returns to the police department.
- K. Under no circumstances may an employee delete, erase, or alter an MVR 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. Redacting a video will make a new copy of that video but in no way will delete, erase, or alter the original MVR recording.
- L. 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.

40.2.8 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 MVRs.
 - 2. The number of MVR cameras 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