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# CHAMPAIGN POLICE DEPARTMENT

## POLICY and PROCEDURE

POLICY NUMBER: 40.3

SUBJECT: DIGITAL EVIDENCE MANAGEMENT

EFFECTIVE DATE: 01/17/24

REVISED DATE:

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### **PURPOSE:**

The purpose of this policy is to standardize the management of digital exhibits (documenting, identification, titling, foundation, ownership, retention, organizing, sharing, use by other law enforcement agencies, and deletion) contained in Evidence.com.

### **DEFINITIONS:**

**Alter:** Permanently change the original video, audio, photo, or electronic file into something other than its original state. Such a 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 (50 ILCS 706) 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.

**Audio Recording:** Electronic recording of conversation or spoken words.

**Auto-Tagging:** A piece of software that obtains the case number and category (Axon3 or Axon90) and automatically applies it to BWC and Fleet video. Typically, this data is added within six to eight hours of the BWC or Fleet video being uploaded to Evidence.com. It is not necessary to wait six to eight hours, as the data can always be entered manually

using Axon View or Evidence.com. Officers must be assigned to a call at the time of video creation or within

two minutes of the video starting for the auto-tagging tool to automatically add the case number and category to the BWC and Fleet video.

**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.

**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 Citizen:** Allows officers to send a link to a citizen's phone or email to upload digital exhibits (digital images, videos, phone screenshots, documents, etc.). In the case of images and videos, Axon Citizen provides the ability to obtain high-quality exact copies, rather than poorer quality photos of a digital image or video of a video.

**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 Performance:** A feature on 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.

**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 7 & 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.

Axon Upload XT: A computer-based program that enables authorized users to upload videos greater than 4.5 Gigabytes into Evidence.com.

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.

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, buffering is defined by policy to mean "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.

CAD: Computer Aided Dispatch.

Case Folder: Case folders are used in Evidence.com to organize all related digital exhibits in the same place to facilitate comprehensive management, easy access, and sharing with other law enforcement agencies. Case folders are named by using only the Case Number (CYY-#####).

Case Number: An incident tracking number automatically assigned by Tyler Records Management System (Tyler RMS) in the following format: CYY- #####.

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

Community Caretaking Function: A task undertaken by a law enforcement officer in which the officer performs an articulable act unrelated to investigating 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 as described in this policy.

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

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.

Digital Exhibit: A digital exhibit includes, but is not limited to BWC and Fleet video, private surveillance video, Axon Citizen submissions, digital images, document/photograph scans, PDFs, UFED reader reports, subpoena returns, screenshots, etc. Essentially, any evidence that can be stored digitally.

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.

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 the Law Enforcement Officer-Worn Body Camera Act.

Fleet Video: In-car video that is automatically uploaded to Evidence.com.

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.

Physical Exhibit: For the purpose of this policy, physical exhibits include anything that can be replicated digitally (documents, printed photographs, faxes, etc.) or items containing digital files that can be uploaded to

Evidence.com (CD-ROMs, flash drives, etc.).

**Tyler Mobile:** Tyler Mobile is the report management system used by the Champaign Police Department.

**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.

#### **40.3.1 EXHIBIT FIELDS IN EVIDENCE.COM**

A. **ID:** The ID column in Evidence.com can only be a case number provided by METCAD.

1. The field will not allow entry of any information not matching the format of a case number.
2. In most cases, the ID column for BWC and Fleet video will automatically populate with the METCAD-assigned case number in the following format: CYY- #####.
3. The ID can be modified manually using Axon View or Evidence.com when required. For example, the case number is incorrect, missing, or the case number was generated from a follow-up investigation of an initial incident.
4. All other digital exhibits (photos, documents, scans, screenshots, Axon Citizen uploads, etc.) will require the ID column to be manually populated using Axon View or Evidence.com.
5. Detectives shall only change the Tyler RMS assigned case number in the ID column for patrol-generated exhibits if it is determined that the case number is incorrect. This case number shall be used for all future exhibits obtained/owned by the detective regarding the individual case.

B. **TITLE:** The title column in Evidence.com provides a unique description of an individual exhibit in Evidence.com. The title can be modified when required by this policy.

1. Regarding the BWC and Fleet videos, the title column will automatically be populated with the default title by the system upon upload. Officers may, though are not required, replace the default title with a description of that evidence (i.e., interview the suspect, etc.).

2. Regarding all other digital exhibits, officers shall replace the default title information with a useful and unique exhibit description, including the corresponding case number pertaining to the individual title or the Tyler RMS evidence number. For example, a photograph could be titled "Tyler Evidence Tag #XXXX, Photo #1 of victim's injury to their hand". No two exhibits in the same case may have the exact same description.

3. When an incident is assigned to the Investigations Division for follow-up, detectives may update the default title of BWC or Fleet video or other evidence obtained/owned by a patrol officer with a unique description and the related patrol officer's Tyler RMS case number.

- a. The default information for the title column shall be deleted for each exhibit and replaced with a unique description for all detective-obtained/owned exhibits. Again, no two exhibits in the same case should have the exact same description.

C. **OWNER:** This field displays a digital exhibit's owner (typically the creator). Ownership is established based on who the recording device is registered to or assigned to at the time of recording. In the case of Fleet video, ownership is assigned based on the current or the last known Fleet user to have logged in. This can be changed (reassigned) by a supervisor when necessary if a BWC or Fleet video was created by a different officer than listed.

D. **UPLOADED BY:** This field displays the name of the individual who uploaded the exhibit or the name of the individual assigned to a device (BWC, Fleet, Axon Capture) at the time of upload. This field is automated and cannot be changed.

E. **UPLOADED ON:** This field displays the date and time the exhibit was uploaded to Evidence.com. This field is automated and cannot be changed.

F. **RECORDED ON:** This field displays the date and time the exhibit was recorded. This field is automated and cannot be changed.

G. **CATEGORY:** This field displays the flagging category of the exhibits, which establishes the exhibit's retention. All exhibits shall have, at a minimum, a 90-day tag (Axon 90) or a 3-year tag (Axon3) tag. All Evidence.com users may add additional category labels as needed. Officers shall log into Evidence.com daily and

ensure that all digital evidence is appropriately categorized. Auto-tagging may take up to eight hours to assign a category. It is acceptable for an officer to wait until their next work shift to ensure all videos from the current shift are properly categorized.

1. Regarding BWC and Fleet videos, the category column will automatically populate using the auto-tagging tool but can also be manually entered by the officer. All digital exhibits for the same incident must have the same category.
  2. Only the primary officer on a call shall provide the flagging category (Axon3 or Axon90) to dispatch to avoid assigning multiple flagging categories to all exhibits. Officers clearing a call before or after the primary officer clears shall not provide a flagging disposition to dispatch. For all officers on a call for service, the primary officer's clearing category applies to any digital exhibits created, including BWC and Fleet video. Officers should use the MDC to clear calls whenever possible, which will enable multiple dispositions. The first disposition should always be Axon3 (flagged) or Axon90 (not flagged). Additional dispositions shall then be added, such as a report, no report, citation, or warning.
  3. All non-BWC or Fleet video digital exhibits shall be manually categorized using Axon View or Evidence.com. While additional categories (10-year, Private, Misc, Speed Trigger) may be added, these exhibits shall have the category 3-year tag (Axon3) or 90-day tag (Axon90) at a minimum. No digital exhibits shall be left with a category code of none or uncategorized.
  4. BWC or Fleet videos created inadvertently shall be categorized as Misc (Accidental, Malfunction, System Check). This categorization must be performed manually.
  5. When assigned an incident for follow-up investigation, detectives shall verify that the proper category has been assigned to all exhibits contained within each case assigned to them. Detectives shall add additional categories as needed, such as a 10-year tag, but each exhibit shall have a 3-year tag at a minimum.
- H. STATUS: This field displays the current standing of the exhibit, active versus deleted. This field is automated and cannot be changed.

#### **40.3.2 DIGITAL EXHIBITS AND EVIDENCE.COM**

- A. All digital exhibits are to be uploaded to Evidence.com, except excessively large data files may be stored on other media such as DVDs or Blu-ray discs rather than being uploaded to Evidence.com to conserve storage resources as determined by the VRPM or an Administrator on a case-by-case basis. Exhibits larger than 4 Gigabytes may be uploaded to Evidence.com using Axon Upload XT.
- B. Physical exhibits, such as printed photographs, documents, faxes, bank records, etc., may be scanned to a digital version and uploaded to Evidence.com or scanned and uploaded to Tyler RMS.
- C. Whenever digital evidence is added to Evidence.com through Axon Citizen, Axon Capture, or any other means, that evidence must be entered into Tyler RMS. A new entry shall be made for each source of evidence. However, multiple exhibits from the same source may be listed on the same evidence entry in Tyler RMS. For example, multiple BWC videos may be listed on the same entry, or multiple digital photos from the same location may be on the same entry. Once a Tyler RMS evidence submission is created, the "Title" of the evidence should be updated in Evidence.com with a description of the evidence and Tyler RMS evidence number. The process of updating the title of evidence is particularly important in complex cases with multiple pieces of evidence from many sources.

#### **40.3.3 CASE FOLDERS IN EVIDENCE.COM**

- A. After verifying that a case folder does not already exist, one may be created in Evidence.com using the case number in the following format: **CYY-#####**. All relevant digital exhibits shall be added to the existing or newly created case file. Patrol exhibits are searched/added by case number, and detectives shall create/update case folders for each case they are assigned, actively checking for new exhibits to be added as needed. Officers may create/update case folders for sharing purposes with authorized entities.
- B. Only authorized personnel may delete case folders. Upon obtaining an order or authorization for the destruction/deletion of all case evidence, including digital exhibits (authorization must include a list of digital exhibits), the case folder may be deleted from Evidence.com. Individual digital exhibits shall not be deleted manually, and when the case folder is deleted, it will instead revert to its original assigned retention period.

#### **40.3.4 SHARING EXHIBITS AND CASE FOLDERS**

- A. Exhibits and case folders may only be shared for official purposes with the State's Attorney's Office and other law enforcement agencies.

#### **40.3.5 AXON CITIZEN USE**

- A. Axon Citizen may be used to obtain digital evidence from cooperating individuals when a search warrant or full data extraction for their device is not being sought. Using Evidence.com or the Axon Citizen application, an officer may send a link from a department-issued or personal mobile device or a computer to a citizen's email address or mobile device. Each link sent through Axon Citizen will allow for up to 16 files; each individual file cannot exceed 60 GB, and a total of 200 GB for the entire submission. Once a link is sent to a citizen, it will expire in 3 days, and a citizen may only use the link one time.
- B. If a citizen is unfamiliar or uncomfortable using the technology, an officer shall pursue alternative means of obtaining the digital evidence. Officers shall document within a written report any time Axon Citizen is utilized and a disposition of the evidence's status and follow-up attempts if the citizen did not return the link. Digital evidence to be obtained using the Axon Citizen link includes digital images, screenshots, audio recordings, and videos.

#### **40.3.6 DIGITAL EVIDENCE REASSIGNMENT**

- A. A supervisor may reassign ownership of an exhibit in Evidence.com if it is determined to be incorrectly assigned.

#### **40.3.7 RECORDING RETENTION**

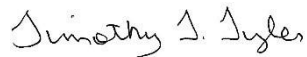
- A. Recordings made by BWC or Fleet video must be retained by the law enforcement agency or by the camera vendor used by the agency on a recording medium for a minimum period of 90 days.
- B. Under no circumstances shall any recording made by a BWC be altered, erased, or destroyed before the 90-day storage period expires.
  - 1. Any alteration, erasure, or destruction of body camera 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. Officers shall label all BWC recordings as flagged (Axon 3) or not flagged (Axon 90) pursuant to the Law Enforcement Officer Worn Body Camera Act. Every 30 days, the VRPM ensures that the appropriate recordings are flagged in accordance with the statute.
- E. Under no circumstances shall any recording made with an officer-worn body camera relating to a flagged encounter be altered or destroyed prior to 2 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.
- F. Following the 90-day storage period, recordings may be retained for training purposes if approved by a lieutenant or above. 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.
- G. BWC recordings that 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.

- H. 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 shall resolve the conflict before their next work shift ends. Officers shall notify a supervisor about technical issues or other reasons the digital evidence cannot be properly labeled.
- I. Axon Performance will be used by the VRPM to assign supervisors with video reviews and to notify supervisors and officers of uncategorized videos. Officers shall read all Axon-generated email messages and comply with the instructions provided. Officers shall periodically check the junk and clutter folders of their email account to ensure that Axon emails are not sent to these folders. If they are, the item should be moved to the inbox, and IT and the VRPM should be emailed and informed of the incident.

#### ISSUING AUTHORITY



Timothy T. Tyler  
Chief of Police  
Champaign Police Department