



ELGIN POLICE DEPARTMENT

151 Douglas Avenue Elgin, Illinois 60120



Effective Date:
07/25/18

STANDARD OPERATING PROCEDURE

Revised Date:
10/23/23

Chief of Police:

Ana Calley

Body Worn Cameras, 41.10

Cross Reference:

SOP 26.1 Disciplinary Procedures
SOP 41.4 In-Car Mobile Recording
SOP 42.2 Criminal Investigations Operations
SOP 71.1 Transportation of Detainees
[50 ILCS 706/10, Law Enforcement Officer Worn Body Camera Act](#)
[720 ILCS 5/33-9](#)
Report Writing Manual

Policy Sections:

41.10.1 Objectives of the Body Worn Camera Program
41.10.2 Training Prior to use of Body Worn Cameras
41.10.3 Requirements at Beginning and End of Shift
41.10.4 Operational Guidelines
41.10.5 Critical Incidents
41.10.6 Reasonable Privacy Expectations
41.10.7 When to Turn off the Body Worn Camera
41.10.8 Accidental Recordings and Deletion
41.10.9 Security/Viewing of Body Worn Camera Recordings
41.10.10 Uploading and Numbering
41.10.11 Retention and Public Requests for Recordings
41.10.12 Officer Review of Body Worn Camera Recordings
41.10.13 Supervisor Responsibilities
41.10.14 Responsibilities of the Body Worn Camera Administrator
41.10.15 Public Recording of Law Enforcement
41.10.16 Reporting
41.10.17 Law Enforcement Misconduct
41.10.18 Annual Review
Appendix A: BWC Recording Deletion Request
Appendix B: BWC Monthly Review

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 their contacts with the public in accordance with the law.

POLICY STATEMENT

It is the policy of the Elgin Police Department to provide officers with body worn cameras. The police 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. Use of these cameras will facilitate professionalism, accountability, and transparency by documenting interactions with the public. This policy is not intended to 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.

Furthermore, the department recognizes that the body worn camera may not capture all of 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 drives the officer's response to a particular situation. Officers will continue to provide thorough 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.

Annotate: The process of adding explanatory notes to video footage for the purpose of providing an explanation or comment.

AXON Docking Station: A portable multi-ported docking station used to simultaneously recharge the body worn camera while uploading all digitally encrypted data from the device.

Badge: An officer's department issued identification number associated with his/her position as a police officer with that department.

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

Body Worn Camera (BWC): An electronic camera system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings.

Body Worn Camera (BWC) Administrator: Public Safety Systems Specialist, appointed by the chief of police, who is responsible for oversight of the police department's body worn camera program relating to technical functions of the program.

Buffering Mode: The device feature for which the camera continuously video records and holds the most recent 30 seconds of video prior to record activation; audio recording is not captured when the camera is in this mode. With this feature, the initial event that causes the officer to activate the recording is likely to be captured automatically.

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

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 his or her 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 below in this policy.

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

Event Mode: When the event button on the body worn camera is activated and the camera is recording both audio and video for up to ten hours. The buffered video, not audio, is captured directly before the event will be saved and attached to the event's permanent memory.

Great Bodily Harm: Bodily injury which 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.

In Uniform: Pursuant to the Law Enforcement Officer Worn Body Camera Act, 50 ILC 706/10, 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 that he or she is a law enforcement officer acting in the course of his or her duties.

Label (a/k/a flagged as used in the Law Enforcement Officer Worn Body Camera Act): Process of placing a category on a video file to associate the video file with an incident so as to ensure that the appropriate retention time frames are applied in accordance with this policy and the Law Enforcement Officer Worn Body Camera Act.

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 Officer or Officer: Means any person employed by 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: Pursuant to the Law Enforcement Officer Worn Body Camera Act, 50 ILCS 706/10, this includes, but is not limited to traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions or a consensual encounter 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 situations where the officer is completing paperwork alone, is participating in training in a classroom setting or is only in the presence of another law enforcement officer or officers while not performing any other law enforcement-related activity.*

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 code or local ordinance.

Numbering: The process of placing a report number on a video file.

Recording: Means the process of capturing data or information stored on a recording medium or as required under the Officer Body Worn Camera Act.

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.

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

PROCEDURES

41.10.1 OBJECTIVES OF THE BODY WORN CAMERA PROGRAM

The Elgin Police Department adopted the use of body worn camera, hereinafter referred to as BWC, technology to accomplish the following objectives:

- A. Promote officer safety.
- B. Document statements and events during the course of an incident.
- C. Enhance an officer's ability to document and review statements and actions for internal reporting requirements, as well as courtroom preparation and presentations.
- D. Preserve visual and audio information and evidence for use in investigations and criminal prosecutions.
- E. Serve as a training tool to provide impartial measurement for self-critique and field evaluation during officer training.
- F. Enhance public trust and accountability by preserving factual representations of officer and citizen interactions.

41.10.2 TRAINING PRIOR TO USE OF BODY WORN CAMERAS

- A. Prior to being assigned a body camera, officers must complete mandatory training provided by the department to obtain an understanding on how to use the BWC system and the procedures outlined in this policy.

- B. Additional training may be required at periodic intervals for officers displaying a substandard performance in the use of the BWC or when there has been a change in the procedure.
- C. Recordings may be used for the purposes of instruction, training, or ensuring compliance with agency policies. Officers who are aware that a particular recording may be used for training should notify a supervisor who will review the recording to determine its feasibility as a training tool.
 - 1. Officers involved in a recording that will be used for training shall be notified, in person, by a supervisor. This practice will facilitate a discussion regarding the purpose for using the recording and gives the officer an opportunity to express any concerns about using the recording for training.
 - 2. The use of recordings for training shall not be used to belittle, ridicule, or embarrass any officer.
 - 3. Recordings designated for training purposes may be viewed by officers in the presence of a training instructor or a supervisor.
 - 4. Following the applicable storage retention period, these recordings may be kept for an extended period of time with approval of the deputy chief. Refer to Section 41.10.11 for more information.
- D. Requests from an outside agency for BWC footage, for the purpose of training, shall be forwarded to the Deputy Chief for approval.

41.10.3 REQUIREMENTS AT BEGINNING AND END OF SHIFT

Officers shall use reasonable care to ensure the proper functioning of BWC equipment. Officers shall maintain the BWC in a state of operational readiness and equipment malfunctions shall be brought to the attention of his/her supervisor, as soon as possible, so that a replacement unit may be procured.

- A. Officers shall inspect and test the BWC to verify proper functioning and ensure the battery is fully charged in accordance with the manufacturer's recommendation.
- B. Officers shall also inspect the body of the camera and associated equipment to look for signs of visible damage. As soon as practical, any visible damage or concerns about the functionality of the equipment will be documented and brought to the attention of the employee's supervisor.
- C. At the end of their shift, officers shall return the BWC to the AXON docking station for uploading. The camera shall remain at the docking station until the officer's next shift. Officers are not authorized to bring the camera home, unless he/she falls under Section D and E. If the camera was damaged during the officer's tour of duty, the officer shall bring it to the attention of his/her supervisor as soon as possible.
- D. Officers who are assigned a take home vehicle are permitted to take home their BWC.
 - 1. Before taking the camera home, these officers must upload their recordings using the AXON docking station.
 - 2. In instances where this protocol is not practical, the officer shall ensure that any significant recordings are downloaded.
- E. Officers may take their BWC home at the end of their shift for the purpose of working a detail assignment scheduled for the next day or following their shift.

1. Upon completion of the detail assignment, officers shall return the BWC to the docking station at the completion their next scheduled shift. However, officers shall ensure that the BWC has enough battery life to record his/her next shift. In instances where the BWC does not have sufficient battery life, the officer is responsible for checking out a spare BWC prior to starting his/her shift.
2. This exception does not apply when the officer will be off for an extended period of time or when there is a significant recording. In those instances, officers must return the BWC to the AXON docking station.

41.10.4 OPERATIONAL GUIDELINES

- A. All officers are assigned a BWC and shall adhere to the usage guidelines established in this policy.
- B. Officers are required to activate BWC at all times when the officer is wearing his/her uniform, as defined herein, and is responding to calls for service or engaged in any official law enforcement related encounter or activities occurring while the officer is on duty, subject to the exceptions listed in the policy.
- C. Officers shall only utilize department issued BWC in the performance of his/her law enforcement related duties.
- D. The safety of the officer and public takes precedence over the recording of events.
- E. Officers have discretion as to the placement of the BWC, as approved by the department, and consistent with AXON international recommendations.
- F. Officers shall ensure the BWC is on buffering mode during his/her tour of duty. This ensures that the previous 30 seconds of captured video is captured when the camera transitions to the event mode.
- G. Officers assigned a BWC shall activate the system from buffering mode to event mode to record the entire incident for all of the following:
 1. Routine calls for service, prior to arriving at a dispatched call or when self-initiating a response to a call.
 2. Emergency driving situations, when inside a police vehicle that does not have a functioning in-car recording system. However, if the police vehicle has a functioning in-car recording system, officers have discretion to leave on their camera in event mode.
 3. Emergency responses to in-progress or just occurred dispatches where fleeing suspects or vehicles may be captured on video leaving the crime scene.
 4. Execution of a search warrant, arrest warrant, or a consent search in which the officer is looking for a suspect.
 5. Foot and vehicle pursuits.
 6. High risk situations.
 7. If another officer is on the scene during the search of a detainee, as appropriate and without sacrificing officer safety, position the search so that it is captured on the camera.

8. The initial crime scene search and processing. In instances where the crime scene search and/or processing will be for an extended period of time, the camera is not required to be in recording mode. However, when the officer believes there is a reasonable likelihood of engaging in any law enforcement related activity, the camera shall be in recording mode.
 9. Situations where the officer reasonably believes to serve a proper purpose. For example, recording the processing of an uncooperative arrestee or through the booking process.
 10. Transporting a detainee or persons not in police custody, regardless of gender. If multiple officers are transporting, all officers are required to record the incident using the BWC. Refer to Section 41.10.7 for information on long distance transports. Officers shall also adhere to the provisions set forth in Standard Operating Procedure 41.4 In-Car Mobile Recording.
 11. Prior to arriving at a dispatched call or when self-initiating a response to a call.
- H. When exigent circumstances exist which prevent the camera from being activated, the camera shall be activated as soon as practicable. The circumstances shall be documented in the officer's police report.
- I. Verbal notification to the person being recorded is not required by law, except when there is a reasonable expectation of privacy. Refer to Section 41.10.6 for more information on reasonable expectation of privacy.
- J. In instances where case strategy is recorded on a BWC, and the release of the case strategy information will compromise the investigation, such case strategy information will be redacted in the event the recording is requested through the Freedom of Information Act (FOIA) to the extent permitted by FOIA and in accordance with the provisions set forth in the Law Enforcement Officer Worn Camera Act.
- K. In the event of an arrest, the incident is concluded when the subject has been transported to the station.
1. The recording of officers serving in an undercover capacity should be avoided. In instances where undercover officers are captured, the identity of that officer will be redacted if the recording is requested through the Freedom of Information (FOIA) and will be released in accordance to the provisions set forth in the Law Enforcement Officer Worn Body Camera Act.
 2. When other recording mechanisms in the Holding Facility are not in use, the officer's camera shall be on recording mode when the Miranda Warning is being provided to the person in custody.
- L. If the officer fails to activate the BWC to event mode, does not record the entire incident, or interrupts the recording for any reason, the officer shall verbally document, on the recording, the time, place, and reason why the recording was not made or was discontinued. This shall also be documented in the officer's police report.
- M. Officers shall indicate in the police report narrative when recordings were made during the incident and follow the proper protocol listed in the Report Writing Manual to document use of body cameras in the records management system.
- N. There may be situations when an officer is in uniform without a BWC. This may occur when the officer's contact with the public is generally business or administrative in nature and they do not have a reasonable expectation that they will be responding to calls for service or will be engaging in any law enforcement related encounters or activities as defined herein. These officers may

encounter a situation that unexpectedly requires him/her to undertake actions in a law enforcement capacity; the reason for not having a BWC recording shall be documented on the police report.

- O. During the course of their official duties, School Resource Officers shall adhere to the provisions set forth in this policy in addition to the established agreement with School District U-46.
- P. When speaking to citizens regarding a complaint against an employee, the body worn camera should be in recording mode. However, citizens shall be notified that the BWC is recording the conversation.
 - 1. The officer shall not record if the citizen requests that the camera be turned off and such request is made on the recording, unless impractical or impossible. However, the officer may continue to record or resume recording if exigent circumstances exist, or if the officer has reasonable articulable suspicion that the person who requests not to be recorded has committed or is in the process of committing a crime, the officer may continue to record or resume recording. Under these circumstances, unless impracticable or impossible, the officer shall indicate on the recording the reason for continuing to record, despite the objection of the person being recorded.

41.10.5 CRITICAL INCIDENTS

- A. Officers may encounter situations where the circumstances rise to the level of a critical incident. These situations often require a response from supervisors and/or investigative units. The following situations, but not limited to, fall under this section:
 - 1. Deadly force situations as outlined in Standard Operating Procedure 1.5 Deadly Force/Firearms Discharge.
 - 2. Officer involved traffic crash with fatalities or serious injuries.
 - 3. Employee sustains a serious injury or death in the line of duty.
- B. The supervisor responsible for the investigation, but not directly involved in the actual incident, shall take physical custody of the BWC that may have captured the incident.
- C. Supervisors may review footage due to ongoing exigency that may aid the present investigation.
- D. The supervisor shall, as soon as practicable, upload the recording(s) and make notification to the BWC Administrator to ensure the recording(s) are labeled appropriately. The supervisor shall submit a Body Worn Camera Labeling Form to the BWC Administrator to ensure additional digital evidence items that are also submitted under the corresponding report number are appropriately labeled and retained. This form is accessible to employees via the department's intranet site.
- E. Protected conversations with the appropriate counsel should not take place until the device is removed or completely powered down.

41.10.6 REASONABLE PRIVACY EXPECTATIONS

- A. Private citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence. When officers are lawfully present in a home, during the course of official duties, there is no reasonable expectation of privacy. Officers are not required to give notice to the resident or others that they are being recorded.

- B. When the subject has a reasonable expectation of privacy, officers shall inform individuals that they are being audio and video recorded. Consent to continue audio recording must be obtained. Proof of the notification and consent must be evident in the recording and documented in the officer's police report.
 - 1. Once the initial notice has been provided, the notice requirement has been satisfied, even when another individual becomes a party to the communication.
 - 2. When consent is not obtained, event mode needs to be deactivated.
 - 3. If exigent circumstances exist which prevents the officer from providing the notice, notice must be given as soon as practical.
- C. A person's objection to being audio and video recorded will not be honored in situations pursuant to an arrest or search of a residence. A subject who is being arrested does not have a reasonable expectation of privacy.
- D. If an officer is uncertain as to whether a reasonable expectation of privacy exists, the officer shall provide the aforementioned verbal notice.

41.10.7 WHEN TO TURN OFF THE BODY WORN CAMERA

- A. Officers have discretion to turn off the BWC under the following circumstances:
 - 1. When inside a police vehicle that is equipped with a functioning in-car camera.
 - a. However, the officer must activate the BWC upon exiting the police vehicle for law enforcement related encounters or activities.
 - b. However, during long distance transports, officers may encounter a situation that requires them to escort the person in custody out of the police vehicle or the officer believes there is a propensity to come into contact with a citizen. In these instances, the transporting officer shall ensure his/her camera is in recording mode. If there are multiple transporting officers, all officers need to ensure their camera is in recording mode. Refer to Standard Operating Procedure 71.1 Transportation of Detainees for more information on long distance transports.
 - 2. While engaged in a community caretaking function. However, the camera shall be activated if 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 activated, the camera shall be activated soon as practicable.
 - 3. When the person being arrested is cooperative and safely secured inside the police department where cameras are present. If the person becomes uncooperative or if some evidentiary purpose arises, officers shall resume recording in event mode until the officer no longer has contact with the subject.
 - 4. When the officer is inside a correctional facility or courthouse which is equipped with a functioning camera system.
 - 5. A situation where the officer is completing paperwork alone or only in the presence of another law enforcement officer as provided in the definition of law enforcement related encounters or activities in the Law Enforcement Officer Worn Body Camera Act.

B. The BWC shall not record under the following circumstances:

1. A victim of a crime, witness of a crime, confidential informant, or community member who wishes to report a crime or a complaint against a police department employee requests that the camera be turned off and such request is made on the recording, unless impractical or impossible. However, the officer may continue to record or resume recording if exigent circumstances exist, or if the officer has reasonable articulable suspicion that the person who requests not to be recorded has committed or is in the process of committing a crime, the officer may continue to record or resume recording. Under these circumstances, unless impracticable or impossible, the officer shall indicate on the recording the reason for continuing to record, despite the objection of the person being recorded.
2. The officer is interacting with a confidential informant or assisting a special division in a sensitive operation where confidentiality is imperative to the operation; approval must be sought from the appropriate supervisor.
3. Locations where a reasonable expectation of privacy exists, such as a dressing room, restroom, unless required for capturing evidence. Refer to Section 41.10.6 for more information on reasonable expectation of privacy.
4. The incident involves sensitive exposures of private body parts, unless required for capturing evidence. When footage is needed for the purpose of capturing evidence, whenever possible, the recording officer shall be of the same sex as the victim. If the victim self-identifies with a sex that is different from his/her assigned sex, the officer shall inquire whether the victim has a preference as to the sex of the recording officer.
5. Personal activities or other department members during routine, non-enforcement related activities. (locker rooms, break rooms, restrooms, completing police reports, case discussions with personnel)
6. During any court related matter, to include pre-trial conferences, depositions, or any other activity in the courtroom.
7. Inside medical and mental health facilities, except when a situation arises that the officer reasonably believes to serve a proper police purpose. Reasonable attempts shall be made to avoid recording persons other than the suspect.

C. The surreptitious audio recording of a private conversation or when there is a reasonable expectation of privacy is prohibited by law.

41.10.8 ACCIDENTAL RECORDINGS AND DELETION

- A. In the event of an accidental activation of the BWC during a non-enforcement related activity or encounter, officers may submit a Body Worn Camera Recording Deletion Request Form. Said form shall be forwarded to the officer's supervisor.
- B. Approved requests shall be forwarded to the Deputy Chief for review and approval. Deletions shall be made by the BWC Administrator upon approval of the deputy chief.
- C. The BWC Administrator shall maintain all completed BWC Recording Deletion Request Forms. Refer to Appendix A to view said form.
- D. In the event any BWC recording is altered, erased, or destroyed prior to the expiration of the ninety (90) day storage period, the department shall maintain, for a period of one (1) year, a written record including (i) the name of the individual who made such alteration, or erasure, or

destruction, and (ii) the reason for any such alteration, erasure, or destruction.

41.10.9 SECURITY/VIEWING OF BODY WORN CAMERA RECORDINGS

All employees should be aware that audio and video data may contain extremely sensitive and private recordings and are responsible for ensuring compliance to the information contained in this section. Furthermore, a breach in data security, careless handling of data and/or intentional release of data to non-authorized individuals may jeopardize relationships with citizens, subject victims to an invasion of privacy, jeopardize prosecutions, and endanger the safety of individuals.

- A. All recorded media, images and audio from the BWC are property of the Elgin Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the chief of police.
- B. The Deputy Director of Records, authorized Records Clerks, and the BWC Administrator are permitted to redact, and duplicate BWC recordings. Unauthorized use, edits/alterations, deletions, redactions, labeling, duplicating and/or distribution of BWC files are prohibited. Furthermore, the recording officer or his/her supervisor may not redact, duplicate, or otherwise alter the recording officer's BWC recordings.
- C. Employees shall not make copies of any BWC file for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record BWC files.
- D. Officers and detectives who receive requests for BWC recordings from the state's attorney's office or other investigative entity shall consult with their supervisor prior submitting a request to the Records Division or the BWC Administrator to the distribute the recording.
- E. Officers have the discretion to determine if the circumstances warrant a review by a citizen, such as identifying the suspect in the footage. Otherwise, the recordings may be released by the city at a later time, following the protocol established in the Law Enforcement Officer Worn Body Camera Act, as required by law, or subpoena.
- F. The following employees, in addition to officers, have access and may review recordings of BWC footage:
 - 1. The recording officer's assigned Field Training Officer for training purposes.
 - 2. Sworn supervisors for the purpose of conducting a monthly audit to ensure the BWC are being used appropriately. Refer to Section 41.10.13, which outlines the responsibility of supervisors.
 - 3. Deputy Director of Records and the Records Clerks to comply with requests for video.
 - 4. Any Detective or Investigator directly involved in the investigation of a matter may access and review recordings which pertain to that investigation but may not have access to delete or alter such recordings.
 - 5. BWC Administrator and Command Staff for the purpose of managing BWC and related equipment.

41.10.10 UPLOADING AND NUMBERING

- A. All BWC recordings may be considered as evidence.
- B. The BWC system will be placed in the AXON docking station at the end of each shift. The recordings will be stored and accessible to authorized employees via Evidence.com, which is a

secure, web-based digital media storage facility. Refer to section 41.10.3 for protocol pertaining to officers having a take home vehicle or those having a detail assignment.

- C. Officers shall ensure video recordings are properly numbered.

41.10.11 RETENTION AND PUBLIC REQUESTS FOR RECORDINGS

- A. All BWC recordings will be retained for a minimum of 90 days from the date of the recording and under no circumstances shall any recording made with the BWC be altered, erased, or destroyed prior to the expiration of the 90 day storage period. After the 90 day storage period all recordings made with BWC must be destroyed unless any encounter on the recording has been flagged which extends the retention period to a minimum of two years from the date the recording was flagged. Recordings shall be flagged in the following situations:
 - 1. A formal or informal complaint has been filed.
 - 2. The officer discharged his/her firearm or used force during the encounter.
 - 3. Death or great bodily harm occurred to any person in the recording.
 - 4. The encounter resulted in a detention or an arrest, excluding traffic stops which resulted in only a minor traffic offense or business offense.
 - 5. The officer is the subject of an internal investigation or otherwise being investigated for possible misconduct.
 - 6. The officer's supervisor, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution.
 - 7. The recording officer requests that the video be flagged for official purposes related to his or her official duties or believes it may have evidentiary value in a criminal prosecution.
- B. A recording may be labeled by officers and the BWC Administrator pursuant to the Law Enforcement Officer Worn Body Camera Act. Every 30 days, the BWC Administrator shall ensure the appropriate recordings are flagged in accordance to the statute.
- C. Under no circumstances shall any recording made with a BWC related to a flagged encounter be altered or destroyed prior to the two years after the recording was flagged. If the flagged recording is used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed until a final disposition and order from the court.
- D. Recordings used for training purposes, following the 90 day storage retention period, may be retained for an extended period of time at the discretion of the Deputy Chief. Refer to Section 41.10.2 for more information.
- E. The freedom of information protocol established in the Law Enforcement Officer Body Worn Camera Act shall be followed when reviewing public requests for information.
- F. BWC recordings for a non-law enforcement related activity or encounter may be deleted prior to the minimum ninety (90) day retention period pursuant to Section 41.10.8 of this policy.
- G. In the event any BWC recording is altered, erased, or destroyed prior to the expiration of the ninety (90) day storage period, the department shall maintain, for a period of one (1) year, a written record including (i) the name of the individual who made such alteration, or erasure, or destruction, and (ii) the reason for any such alteration, erasure, or destruction.

- H. Pursuant to Section 205/25 of the Local Records Act, 50 ILCS 205/25, all BWC recordings related to complaints, investigations and adjudications of police misconduct must be permanently retained and may not be destroyed.

41.10.12 OFFICER REVIEW OF BODY WORN CAMERA RECORDINGS

- A. Officers make decisions based on the totality of human senses. An officer's recollection of specific details may be different than what is captured in digital evidence since BWC recordings only capture audio and video. The review of recordings can provide a cue to an officer's memory to recall more facts and greater detail of an incident.
- B. Except as otherwise provided in this section, the recording officer and his/her supervisor may access and review recordings prior to completing incident reports or other documentation, provided that the officer and his/her supervisor discloses that fact in the report or other documentation.
- C. A law enforcement officer shall not have access to or review his or her body-worn camera recordings or the body-worn camera recordings of another officer prior to completing incident reports or other documentation when the officer:
1. 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.
 2. Is ordered to write a report in response to or during the investigation of a misconduct complaint against the officer.
- D. If the officer subject to Section C above prepares a report, any report shall be prepared without viewing body-worn camera recordings, and subject to the supervisor's approval, officers may file amendatory reports after viewing body-worn camera recordings. Supplemental reports under this provision shall also contain documentation regarding access to the video footage.
- E. When accessing and reviewing their recordings, officers may annotate only for official purposes.

41.10.13 SUPERVISOR RESPONSIBILITY

- A. Supervisors shall ensure officers equipped with BWC utilize them in accordance to policy and training.
- B. When a supervisor becomes aware that a recorded incident pertains to a critical incident, as outlined in Section 41.10.5, the supervisor shall review only those recordings necessary and relevant to their investigative scope. The supervisor is responsible for forwarding the information via the chain of command.
- C. Not less than once every 30 days, Lieutenants shall ensure an appropriate sampling of BWC recordings pertaining to the work groups under their command are reviewed. The purpose of this review is to ensure that equipment is operating properly and that officers are using the cameras appropriately and in accordance with this policy and training.
1. An appropriate sampling shall be construed as a minimum of 30%, but not more than 35% of the officers assigned to the work group. Supervisors shall notify officers, via email, when their recordings are randomly selected and follow the protocol established in the Training Bulletin TB-18-12 that describes process for BWC monthly review.
 2. The selection of recordings will be conducted in a manner that promotes an equitable review of recordings from all officers.

3. Supervisors shall document their review using the BWC Monthly Review; refer to Appendix B to view this form. Completed forms shall be forwarded to the respective commander.
 4. Supervisors shall not review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident.
 5. If policy violations are observed by a supervisor, such policy violations shall be treated on a basis which neither enhances or diminishes any potential discipline.
- D. Recordings may be reviewed to determine possible employee discipline when:
1. A formal or informal complaint of misconduct has been made.
 2. The encounter on the recording could result in a formal investigation under the Uniform Peace Officer's Act. *The Uniform Peace Officer's Disciplinary Act defines a formal investigation as the process of investigation ordered by a commanding officer during which the questioning of an officer is intended to gather evidence of misconduct which may be the basis for filing charges seeking his or her removal, discharge or suspension in excess of three days.*
 3. A use of force incident has occurred.
 4. As corroboration or other evidence of misconduct.
- E. Recordings shall not be used to prepare performance evaluations, unless used for the purpose of correcting substandard employee performance that was brought to the supervisor's attention or highlighting commendatory performance of an employee.
- F. When supervisors can articulate a reasonable concern regarding training, recordings made by probationary police officers are subject to review outside the scope of the monthly review of BWC footage which is discussed in Section C, listed above. The purpose of this review is to identify areas where additional instruction is needed prior to the officer's release from probationary status.

41.10.14 RESPONSIBILITIES OF THE BODY WORN CAMERA ADMINISTRATOR

- A. Assign BWC to officers who have completed the approved training.
- B. Maintain a record of assigned BWC, to include the transfer of the unit to another officer, and related equipment.
- C. Maintain and troubleshoot the cameras and related equipment.
- D. Arrange for the warranty and non-warranty repair of units; maintain repair records.
- E. Update software and system settings as necessary.

41.10.15 PUBLIC RECORDING OF LAW ENFORCEMENT

- A. No officer may hinder or prohibit any person recording a law enforcement officer in the performance of his/her duties in a public place or in a circumstance where the officer has no reasonable expectation of privacy.
- B. The unlawful confiscation or destruction of the recording medium of a person who is not a law enforcement officer may result in criminal penalties, as well as departmental discipline, including, but not limited to termination.

- C. Officers may take reasonable action to maintain safety and control, secure the crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.

41.10.16 REPORTING

On or before May 1 of each year, the body worn camera administrator shall provide an annual report on the use of BWC to The Illinois Law Enforcement Training and Standard Board. The report shall include:

- A. A brief overview of the makeup of the agency, to include the number of officers using a BWC.
- B. The number of BWC used by the department.
- C. Technical issues with the equipment and how the issues were remedied.
- D. Brief description of the review process used by supervisors.
- E. Any other relevant information pertaining to the administration of the BWC program.

41.10.17 LAW ENFORCEMENT OFFICER MISCONDUCT

- A. Pursuant to 720 ILCS 5/33-9, a law enforcement officer or a person acting on behalf of a law enforcement officer commits law enforcement misconduct when, in the performance of his or her official duties, he or she knowingly and intentionally fails to comply with paragraphs three, five, six and seven of subsection (a) of Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act.
- B. Our policy addresses the above mentioned paragraphs in the below sections:
 - 1. Paragraph Three – When officer body worn cameras must be recording, refer to Section 41.10.4 (B), (H) and Section 41.10.7 (A1).
 - 2. Paragraph Five – When an officer must give notice to persons being recorded, refer to Section 41.10.6 (B).
 - 3. Paragraph Six – Limits on the redaction, labeling or duplicating of recordings and when officers may access videos, refer to Section 41.10.9 (B) and 41.10.12 (B).
 - 4. Paragraph Seven – The retention, maintenance, and destruction of recordings, refer to Section 41.10.11.

41.10.18 ANNUAL REVIEW

The body worn camera administrator shall conduct a documented annual review of the Body Worn Camera Program, along with the procedures established in this policy. This review shall be forwarded to the Deputy Chief. The purpose of this review is to determine if there are any training concerns, court decisions, or technological changes that warrant changes to department practices and the procedures established in this policy.

APPENDIX A: BWC RECORDING DELETION REQUEST



ELGIN POLICE DEPARTMENT BWC Recording Deletion Request



In the event of an accidental activation of the BWC during a non-enforcement related activity or encounter, officers shall complete and submit this form to their supervisor. Approved requests shall be forwarded to the deputy chief for review and approval. Deletions shall be made by the BWC Administrator upon approval by the deputy chief.

Date: Requesting employee: Badge #:

Incident Information

Involved employee: Badge #: Video ID#:

Incident date: Time of the incident:

Incident location:

Describe the footage and explain the reason for the request to delete the recording

Approval Process

Requesting employee: Date:

Reviewing Sergeant: Date: Recording to be deleted: ☐ Yes ☐ No

Explain the reason why the recording may or may not be deleted

Reviewing Lieutenant: Date: Recording to be deleted: ☐ Yes ☐ No

Explain the reason why the recording may or may not be deleted

Deputy Chief: Date: Recording to be deleted: ☐ Yes ☐ No

Explain the reason why the recording may or may not be deleted

In the event any BWC recording is altered, erased, or destroyed prior to the expiration of the ninety (90) day storage period, the department shall maintain, for a period of one (1) year, a written record including (i) the name of the individual who made such alteration, or erasure, or destruction, and (ii) the reason for any such alteration, erasure, or destruction.

Submit to BWC
Administrator

151 Douglas Avenue, Elgin, IL 60120 Phone: (847) 289-2500 Fax: (847) 289-2750

Effective: 07/06/21

APPENDIX B: BWC MONTHLY REVIEW **Page 1 only**



ELGIN POLICE DEPARTMENT **BWC Monthly Review**



Lieutenants ensure an appropriate sampling of BWC recordings pertaining to work groups under their command are reviewed. Completed review forms shall be forwarded to the respective commander for review. Refer to SOP 41.10 Body Worn Cameras for more information on the monthly review process.

Date: Supervisor: Badge #: Work Group:

Recording Number 1		
Incident date:	<input type="text"/>	Time span: <input type="text"/> Video ID#: <input type="text"/>
Briefly describe the footage:	<input type="text"/>	
Appropriate use:	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, explain and briefly state what officer counseled on <input type="text"/>
Recording Number 2		
Incident date:	<input type="text"/>	Time span: <input type="text"/> Video ID#: <input type="text"/>
Briefly describe the footage:	<input type="text"/>	
Appropriate use:	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, explain and briefly state what officer counseled on <input type="text"/>
Recording Number 3		
Incident date:	<input type="text"/>	Time span: <input type="text"/> Video ID#: <input type="text"/>
Briefly describe the footage:	<input type="text"/>	
Appropriate use:	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, explain and briefly state what officer counseled on <input type="text"/>
Recording Number 4		
Incident date:	<input type="text"/>	Time span: <input type="text"/> Video ID#: <input type="text"/>
Briefly describe the footage:	<input type="text"/>	
Appropriate use:	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, explain and briefly state what officer counseled on <input type="text"/>
Recording Number 5		
Incident date:	<input type="text"/>	Time span: <input type="text"/> Video ID#: <input type="text"/>
Briefly describe the footage:	<input type="text"/>	
Appropriate use:	<input type="checkbox"/> No <input type="checkbox"/> Yes	If no, explain and briefly state what officer counseled on <input type="text"/>