

University of Chicago Police Department

GENERAL ORDER

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| Effective Date: December 16, 2024 | | Number: GO 529 |
| Subject: Officer-Worn Body Cameras | | |
| References: CALEA Standard 41.3.8, 41.3.10, Illinois Statute 50 ILCS 706/ | | |
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| Amends: 24 NOV 2021 version 11 APR 2016 version (O.D.P.) | | Rescinds: |
| Approved By: Kyle L. Bowman, Chief of Police | Signature: Original signed document on file in Accreditation Office | |

529.1 PURPOSE

The purpose of this order is to establish policy and guidelines for the operation and use of officer-worn body cameras.

529.2 POLICY

The policy of the University of Chicago Police Department is that the purpose and organization philosophy regarding mobile video recording units (officer worn-body cameras) is to document events that occur in the course of incidents, preserve data for use in investigations and prosecutions, promote officer safety, improve training opportunities, and enhance the public trust by providing accurate representations of officer-person interactions. While recordings will be checked for quality assurance purposes regarding interactions with the public, and the recordings may be used for disciplinary purposes, discipline is not the primary purpose of deploying mobile video recording units. Personnel shall follow the Illinois Law Enforcement Officer-Worn Body Camera Act (50 ILCS 706/). Department policy may not supersede Illinois law.

529.3 DEFINITIONS

Community Caretaking Function: A task undertaken by an officer unrelated to the investigation of a crime. This includes, but is not limited to, participating in town halls or other community outreach, helping a child find their parents, providing death notifications, and performing in-home or hospital well-being checks on the sick, elderly, or persons presumed missing. This excludes law-enforcement-related encounters or activities.

Law Enforcement-related encounters or activities: Include, but are not limited to, traffic stops, pedestrian/street stops (Terry Stops), arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol, or any other in-

stance 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 is only in the presence of another law enforcement officer or officers while not performing any other law enforcement-related activity.

Officer: A sworn employee of any rank.

529.4 CAMERA EQUIPMENT

- A. Cameras must be equipped with pre-event recording, capable of recording at least 30 seconds prior to camera activation.
- B. Cameras must be capable of recording for a period of 10 hours or more.

529.5 WHEN CAMERAS MUST BE TURNED ON (RECORDING)

Cameras must be turned on (recording) at all times when the officer is in uniform and is responding to calls for service or engaged in any law enforcement-related encounter or activity, that occurs while the officer is on-duty.

- A. If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.
- B. Officer-worn body cameras may be turned off when the officer is inside of a patrol car which is equipped with a functioning in-car camera; however, the officer must turn on the camera upon exiting the patrol vehicle for law enforcement-related encounters.
- C. When a community caretaker function turns into a law enforcement related activity, the camera will be turned on. For example, when a physical protective custody is required under 405 ILCS 5/3-606, for involuntary mental health admission. The protective custody is under State statute, and therefore the camera will be activated. Similarly, if a protective custody is required for detoxification from alcohol and/or drugs under 20 ILCS 301/25-15(b), the camera shall be activated. Officers will activate their camera prior to making a protective custody, or as early as reasonably possible.

529.6 WHEN CAMERAS MUST BE TURNED OFF (NOT RECORDING)

Cameras must be turned off (not recording) when:

- A. The victim of a crime requests that the camera be turned off (not recording), and unless impractical or impossible, that request is made on the recording.
- B. A witness of a crime or a community member who wishes to report a crime requests that the camera be turned off (not recording), and unless impractical or impossible that request is made on the recording.

However, an officer may continue to record or resume recording a victim or a witness, if exigent circumstances exist, or if the officer has reasonable articulable suspicion that a victim or witness has

committed or is in the process of committing a crime. Under these circumstances, and unless impractical or impossible, the officer must indicate on the recording the reason for continuing to record despite the request of the victim or witness.

Cameras should not be completely powered down by the officer, except when going off-duty. The terminology of camera “turned on” and “turned off” is from the Illinois Law Enforcement Officer-Worn Body Camera Act (50 ILCS 706/), and denotes recording or not recording.

529.7 OFFICER RESPONSIBILITIES

- A. Cameras may be turned off (not recording) when the officer is engaged in community caretaking functions. However, the camera must be turned on when the officer has reason to believe that the person on whose behalf the officer is performing a community caretaking function has committed or is in the process of committing a crime. If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.
- B. The officer must provide notice of recording to any person if the person has a reasonable expectation of privacy and proof of notice must be evident in the recording. If exigent circumstances exist which prevent the officer from providing notice, notice must be provided as soon as practicable.

529.8 STORAGE AND SECURITY

- A. For the purposes of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to only those personnel responsible for those purposes. This access is limited to the Property/Evidence Custodian, the Office of Professional Accountability, and the Commander over Investigations.
- B. The recording officer and their supervisor may access and review recordings prior to completing incident reports or other documentation, provided that the officer or their supervisor discloses that fact in the report or documentation. The following statutory exceptions apply:
 - 1. An officer shall not have access to or review their body-worn camera recordings or the body-worn camera 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.
 - 2. If the officer subject to section 1 prepares a report, any report shall be prepared without viewing body-worn camera recordings, and subject to supervisor's approval, officers may

file amendatory reports after viewing body-worn camera recordings. Reports under this provision shall include documentation regarding their access to video footage.

NOTE: General Order 110, Firearm Discharge Incidents, Section 6, does not require a report of the officer following an on-duty use of deadly force. Therefore, officers are allowed to view body-cam recordings prior to being interviewed, following an on-duty use of deadly force. Section 110.6.C.3.d.

- C. The recording officer's assigned Field Training Officer may access and review recordings for training purposes.
- D. Any 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.
- E. The recording officer or their supervisor may not redact, label, duplicate or otherwise alter the recording officer's camera recording(s).
- F. The system is designed to track and record any access to the system. In addition, system design prevents alteration of recordings.

529.9 RETENTION

- A. Recordings made on officer-worn cameras must be retained by the Department for a period of 90 days. Under **no** circumstances shall any recording, except for a non-law enforcement related activity or encounter made with an officer-worn body camera be altered, erased, or destroyed prior to the expiration of the 90-day storage period. In the event any recording made with an officer-worn body camera is altered, erased, or destroyed prior to the expiration of the 90-day storage period, the Department shall maintain, for a period of one year, a written record including: the name of the individual who made such alteration, erasure, or destruction, and; the reason for any such alteration, erasure, or destruction.
- B. Following the 90-day storage period, any and all recordings made with an officer-worn body camera must be destroyed, unless an 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;
 - 2. The officer discharged their 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 (petty offense, business offense or

Class C misdemeanor);

5. The encounter resulted in a physical protective custody, either for involuntary mental health admission or detoxification hospitalization.
 6. The officer is the subject of an internal investigation or otherwise being investigated for possible misconduct;
 7. The supervisor of the officer, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution; or
 8. The recording officer requests that the video be flagged for official purposes related to their official duties.
- C. Under no circumstances shall any recording made with an officer-worn body camera relating to a flagged encounter be altered or destroyed prior to 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.
- D. Following the 90-day storage period, recordings may be retained if a supervisor 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 Department policies.

529.10 RECORDINGS AND DISCIPLINE

Recordings shall not be used to discipline law enforcement officers unless:

- A. A formal or informal complaint of misconduct has been made;
- B. A use of force incident has occurred;
- C. The encounter on the recording could result in an investigation of misconduct which may be the basis for filing charges seeking removal, discharge or suspension in excess of 3 days; or
- D. As corroboration of other evidence of misconduct.

529.11 MAINTENANCE AND CARE

The Department shall ensure proper care and maintenance of officer-worn body cameras. Officers will inspect the officer-worn body camera before wearing the camera at the start of their shift. They will further inspect the camera at any time that they believe it may not be functioning properly, or some activity or incident may have compromised the functionality of the camera.

- A. Upon becoming aware, officers must as soon as practical document and notify the appropriate supervisor of any technical difficulties, failures, or problems with the officer-worn body camera or associated equipment.

- B. Upon receiving notice, the appropriate supervisor shall make every reasonable effort to correct and repair any of the officer-worn body camera equipment.

529.12 RECORDING OF LAW ENFORCEMENT PERSONNEL

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. Potential criminal penalties, as well as Department discipline, may result from unlawful confiscation or destruction of the recording medium of a person who is not a law enforcement officer.

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

529.13 PRESERVATION OF RECORDINGS

- A. Recordings which are to be preserved for evidentiary purposes.
 - 1. The officer is responsible for submitting a request to preserve the recording to the Property/ Evidence Custodian via the chain of command. Case reports are to reflect that a video recording of the incident was made and a request made to submit it into evidence.
 - 2. The Shift Supervisor may request that recordings be preserved by submitting a request to the Property/Evidence Custodian.
 - 3. Requests from the State's Attorney's Office that recordings be preserved, will also be routed to the Property/Evidence Custodian.
 - 4. Recordings preserved for evidentiary purposes will be handled in accordance with General Order 802.
 - 5. All requests to the Evidence/Property Custodian will be specific as to report number, or date and time, etc. Searches of recordings for investigative purposes, looking for patterns, etc. shall be directed to the appropriate Deputy Chief or Commander.
- B. Recordings which are to be preserved for internal purposes.

The Office of Professional Accountability or the Commander over Investigations may preserve recordings for investigative, training or other internal purposes. See General Order 902.9.B.1 for further regarding investigations.
- C. Officers are encouraged to notify a supervisor when a recorded incident occurs which would be beneficial for use in Department training or review.
- D. Media storage (thumb drives and DVDs) and their recorded content remain the property of the

University of Chicago Police Department. Recorded images copied from Department media devices may only be disseminated with the approval of the Chief of Police or his or her designee.

- E. The recordings themselves regardless of the media on which they are stored and regardless of the location, remain the property of the University of Chicago Police Department. Maintaining personal copies of any recordings or releasing or disseminating them to anyone not specifically authorized, is expressly prohibited.
- F. **DELETION OF UNINTENTIONAL RECORDINGS**
In the event of an unintentional activation of the camera during a non-law enforcement-related encounter or activity, (i.e. restroom or meal break, or other areas or situations where a reasonable expectation of privacy exists) officers may request recording deletion. A memorandum detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the officer's respective Captain or Commander for review and approval. Once the request is approved, the camera system administrator will delete the associated recording.

529.14 TRAINING

Officers will be trained in operation of the officer-worn body cameras, prior to their issuance and use. Sergeants, Captains, Commanders and Deputy Chiefs will have training available through Security Systems, regarding the operation of the system. Those supervisors that are required to use and interact with the system, shall receive the training.

529.15 QUALITY ASSURANCE

Documented review of camera captured data from officer-worn body cameras will be performed at least quarterly by the Commander of Professional Standards. A minimum random sampling of 3 recorded Law Enforcement-related encounters or activities per month will be reviewed, if available. The review will be forwarded to the Deputy Chief of Field Services. Additionally, monthly reviews will be conducted at the shift level, by the Sergeant or Captain, and forwarded to the Commander of Professional Standards.

529.16 ANNUAL REPORTING

The Department must provide an annual report to the Illinois Law Enforcement Training and Standards Board, on or before May 1 of the year. The report shall include:

- A. A brief overview of the makeup of the Department, including the number of officers utilizing officer-worn body cameras;
- B. The number of officer-worn body cameras utilized by the Department;
- C. Any technical issues with the equipment and how those issues were remedied;
- D. A brief description of the review process used by supervisors within the Department;
- E. For each recording used in prosecutions of criminal or traffic offenses, or ordinance violations:

1. The time, date, and location of the incident;
 2. The offense charged and the date charges were filed; and
- F. Any other information relevant to the administration of the program.

529.17 RELEASE OF RECORDINGS

The Department will release copies of recordings in response to lawfully issued and served subpoenas, valid court orders, and legitimate requests by the State's Attorney's Office and other prosecutorial or governmental investigative or law enforcement agencies. The Department will not release copies of recordings in response to requests made by other third parties. However, the Associate Vice President of Safety, Security and Civic Affairs (or designee) may, at their discretion and using reasoned judgment, and in consultation with the University's Office of Legal Counsel, make recordings available to the public.

529.18 LAW ENFORCEMENT MISCONDUCT

720 ILCS 5/33-9, makes it a Class 3 Felony to fail to comply with paragraphs 3, 5, 6, and 7 of subsection a of section 10-20 of the Law Enforcement Officer-Worn Body Camera Act.

529.19 ANNUAL ADMINISTRATIVE REVIEW

The Deputy Chief of Operations, or their designee, will conduct a documented annual review of the In-Car and Body-Worn Camera program. This may draw from the quarterly quality assurance reviews, the annual Body-Cam report to the Illinois Law Enforcement Training and Standards Board, and other sources to assess the alignment of policy, training and practices with the Department's mission and values. The results of the review will be provided to, and reviewed by, the Chief of Police.