

SPRINGFIELD POLICE DEPARTMENT

<input checked="" type="checkbox"/> DEPARTMENT DIRECTIVE <input type="checkbox"/> DIVISION DIRECTIVE		DIRECTIVE NUMBER 20-062	OPS-09
<input checked="" type="checkbox"/> GENERAL ORDER <input type="checkbox"/> NOTICE <input type="checkbox"/> SPECIAL ORDER <input type="checkbox"/> LEGAL NOTICE			ISSUE DATE
SUBJECT: BODY WORN CAMERA PROGRAM	DISTRIBUTION A,B	REVISION DATES 11/03/15, 04/19/16, 05/31/17, 01/17/18, 12/03/18, 06/24/19, 01/10/20	EFFECTIVE DATE
REFERENCES: 50 ILCS 706/10-20			RESCINDS: OPS-09 / 20-006

I. PURPOSE

This policy is intended to provide officers with instructions on when and how to properly use the body-worn cameras as recommended by Taser International and required by state law. This policy also creates a systematic approach for the ongoing evaluation of the body worn camera program, equipment and technology.

II. POLICY

The Springfield Police Department is committed to protecting the safety, welfare, and integrity of all officers and the public we serve. As such, it is the policy of this department that officers shall use the body worn cameras (BWC's) consistent with this policy and in conformance with state law.

III. SCOPE

- A. The BWC program is intended for use within the Field Operations Division by officers of the rank of Patrol Officer and Sergeant. The Street Crimes Unit and members of the Emergency Response Team (ERT) will also be assigned BWC's.
- B. Personnel assigned to other Divisions may request the use of a BWC as needed by submitting a request through their chain of command to the Deputy Chief of Administrative Services.

IV. DEFINITIONS

- A. BWC - Body Worn Camera is a small form factor camera intended to be worn by an individual officer. It will be capable of recording at least 30 seconds prior to camera activation and capable of recording for a period of 10 hours or more.
- B. AXON 2 – The Body Worn Camera used by the Springfield Police Department.
- C. Body Worn Camera (BWC) Technician - Typically a Sergeant, or designee, who assigns and tracks equipment, maintains the Evidence Transfer Manager, and oversees needed repairs and or equipment replacement through Taser AXON representatives.
- D. Buffering Mode - In buffering mode the Body Worn Camera continuously loops the video recording capturing 30 seconds of pre-event video. Audio is not recorded in buffering mode. The BWC is considered off while in buffering mode as no digital record exists until event mode is activated.
- E. Event Mode - A recording mode in which audio and video is recorded throughout activation. The BWC is considered on when in event mode
- F. Verbal Announcement/Notice - Statement indicating a BWC is audibly and visually recording interactions where a reasonable expectation of privacy exists. "My body camera is on, you are being recorded."
- G. Evidence.com - The online web-based digital media storage and management system provided by Taser International. The virtual warehouse stores digitally-encrypted data (photographs, audio and video recordings) in a highly secure, Criminal Justice Information Systems (CJIS) compliant environment. The digital recordings are accessible to authorized personnel based upon security clearance, statute, and policy and an audit trail of user activity is maintained.

- H. Evidence Transfer Manager (ETM) - A docking station that simultaneously recharges the controller/battery pack and uploads all data captured by the Body Worn Camera. The ETM ensures evidence handling is secure and cannot be altered.
- I. Community Caretaking Function – A task undertaken by a law enforcement officer where the officer is performing an act unrelated to the investigation of a crime. "Community caretaking function" 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.
- J. Minor Traffic Offense – Means a petty offense, business offense, or Class C misdemeanor under the Illinois Vehicle Code or similar provision of a municipal or local ordinance.
- K. Law Enforcement Related Encounter - Law Enforcement related encounters as defined within 50 ILCS 706/10-20 effective 01-01-16 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 instance in which the officer is enforcing the laws of the municipality, county, or state. "Law enforcement related encounter or activities" does not include when the officer is completing paperwork alone or when solely in the presence of another law enforcement officer.

V. RESPONSIBILITIES

- A. Prior to going into service, uniformed officers who have been issued a BWC will be responsible for making sure that he/she is equipped with a BWC that is in good working order.
- B. Malfunctions, damage, loss or theft of the BWC shall be reported to an immediate supervisor who will ensure the BWC Technician is notified via email. The damage will also be noted on the daily equipment inspection sheet.
- C. Supervisors shall ensure that recording procedures are followed and officers are submitting the media as required.
- D. Should an incident arise that requires the immediate retrieval of the recorded media (e.g., officer involved shootings or serious officer-involved incidents), a supervisor shall respond to the scene and ensure the Watch Commander is notified. The BWC Technician or trained supervisor will properly retrieve the BWC and ensure proper upload of the recorded media to Evidence.com.
- E. Officers shall return their BWC's to the ETM at the conclusion of their shift to complete the video uploading and BWC charging process. While uploading can also be accomplished via Evidence Sync, this feature should only be used in circumstances where immediate upload and viewing is needed to facilitate supervisory reviews as per VII. E. 2.
- F. Officers and Supervisors should complete a BWC Evaluation sheet as needed and forward to the BWC Technician.

VI. RECORDING GUIDELINES

- A. Department members shall use only department-issued video/audio recording equipment.
- B. Department members assigned a BWC shall:
 - 1. Ensure the BWC is worn on the officer's upper torso in a preapproved location providing for a practical view to record events.
 - 2. Ensure the BWC is in "buffering" mode throughout their tour of duty.
 - 3. Ensure BWC's are turned on (event mode) at all times when the officer is in uniform and is responding (while enroute) to calls for service or engaged in any law enforcement related encounter or activity that occurs while the officer is on duty. Intentionally failing to engage the BWC as required is a violation of state law and is contrary to department policy (refer to VI (c) 1).
 - 4. The BWC may be turned off when the officer is engaged in a community caretaking function unless the officer has reason to believe the person has committed or is in the process of committing a crime or the call is a check on the welfare then it shall be turned on.
 - 5. Provide notice of recording to any person if the person has a reasonable expectation of privacy. 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 practical.
 - 6. Not unreasonably endanger themselves or another person to conform to the provisions of this directive. In such cases or where exigent circumstances exist, the BWC will be activated as soon as practical. The reason(s) for the delay will be noted within the police report.

7. Not turn off the BWC until the entire incident has been recorded including any telephone conversations during the incident, particularly, but not limited to supervisory calls providing direction and the officer has cleared the call or when further recording of the incident no longer serves a proper police purpose with permission of a supervisor. An officer shall be considered "cleared" when he/she returns to service even though other officers may still be actively investigating the call. In the event of an arrest, the incident is concluded when the prisoner transport is complete. For those officers driving a squad car with a fully functioning in car camera system to include a backseat camera, the BWC does not need to be on during transport unless reengagement with the prisoner becomes necessary.
8. Not use the BWC during off duty employment throughout the initial roll out and thereafter only upon approval of the Chief of Police.

C. Failed or Incomplete BWC Activations

1. As soon as practical, but no later than the end of their shift, Officers shall notify their immediate supervisor of the failed activation, late activation, early disengagement, or mechanical failure of the BWC. Additionally a digital BWC evaluation form should be completed and forwarded to their supervisor. Officers shall document the failed or incomplete activation and any justification within the narrative of the report. Supervisors shall forward the completed digital BWC Evaluation sheet to the SPD Planning and Research Section Supervisor.
2. SPD Planning and Research will maintain a digital archive of all failed or incomplete BWC activations or mechanical failures. SPD Planning and Research will monitor the information in an effort to identify any problems, trends, or training needs.
3. Every month SPD Planning and Research will complete an Audit of all failed or incomplete BWC activations. This Audit will be sent to the Deputy Chief and the Commander of the Field Operations Division for further evaluation in effort to correct any identified issues

D. The BWC shall not be used to record the following:

1. Victims of incidents who request not to be recorded, the officer shall comply with the request when reasonable and practical and disengage the BWC, unless exigent circumstances exist or the officer has a reasonable, articulable suspicion that the victim has committed or is in the process of committing a crime.
2. A witness of a crime or a community member who wishes to report a crime requests that the camera be turned off, unless exigent circumstances exist or the officer has a reasonable, articulable suspicion that the witness/ community member has committed or is in the process of committing a crime.
3. The officer is interacting with a confidential informant used by the Springfield Police Department, unless exigent circumstances exist or the officer has a reasonable, articulable suspicion that the confidential informant has committed or is in the process of committing a crime.

NOTE: The exigent circumstances or reasonable, articulable suspicions of an officer to continue recording in situations covered under VI. (D) (1, 2, 3) should be stated on the BWC recording whenever possible and documented in the police report. .

VII. VIEWING DIGITALLY RECORDED DATA

All digitally recorded data created with the BWC is the property of the Springfield Police Department. Dissemination of any digitally recorded data outside the department is strictly prohibited without specific authorization by the Chief of Police or an appointed designee. Furthermore, the dissemination of any information gained or obtained by viewing BWC videos, regardless of who recorded the video, without specific authorization by the Chief of Police or an appointed designee is strictly prohibited.

A. The Planning and Research unit (BWC Technician) will ensure:

1. All authorized officers have access to Evidence.com
2. Any non-departmental agencies with authorization to view specific digitally recorded data stored in Evidence.com receives the necessary link for viewing and tagging of videos.

- B. Department members are authorized to view their BWC digitally recorded data before it is uploaded to the database from a department computer or authorized device. Unauthorized duplicating, capturing, or disseminating of audio or video from BWC footage is strictly prohibited.
- C. For purposes of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to only those personnel responsible for those purposes. The recording officer and his supervisor may access and review recordings prior to completing incident reports or other documentation, provided that the officer or his supervisor discloses that fact in the report or other documentation.
- D. A union representative may review recordings prior to officers completing reports following incidents covered by UOF – 02.
- E. Department supervisors are authorized to view officers BWC footage in the following instances:
 - 1. Periodically ensure BWC are being used and monitor proper use and functionality.
 - 2. To verify the accuracy of Use of Force reports that required force beyond normal handcuffing.

NOTE: Minor infractions and minor deviations from department policy observed through the review of digitally recorded data will be handled by supervisors in keeping with department policy and taking into account the totality of the circumstances such as inadvertent mistakes vs. intentional acts.

- F. Authorized BWC viewing methods are:
 - 1. Evidence.com Website
 - 2. Evidence Sync (Windows PC Program)
 - 3. Axon View (Personal Cell Phone App) - This application is authorized as it allows only for the viewing and tagging of BWC videos. No data remains on the phone or device.
- G. Recordings shall not be used to discipline officers unless:
 - 1. A formal or informal complaint of misconduct has been made;
 - 2. A use of force incident has occurred;
 - 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. In the event the officer is subject of a disciplinary investigation, prior to being interviewed the officer shall have the option of reviewing the recordings in the presence of the officer's attorney or labor representative and have the right to review recordings from other body worn cameras that capture the officer's image or voice during the underlying incident.

VIII. RETENTION POLICIES AND FLAGGED VIDEOS

- A. All video shall be stored for 90 days. Recordings may not be altered, erased or destroyed prior to the expiration of the 90 day period.
- B. Following the 90 day storage period recordings must be destroyed unless flagged. An encounter is flagged when:
 - 1. A formal or informal complaint has been filed.
 - 2. The officer discharged his firearm or used force above normal handcuffing during an 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.
 - 5. The officer is the subject of an internal investigation or otherwise being investigated for possible misconduct.
 - 6. The supervisor of the officer, 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/her official duties.

- C. Under no circumstances shall any recording made with camera BWC 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 for training purposes. Officers whose BWC video is flagged for training will be notified by the Commander of Administrative Services and afforded an opportunity to review the video. The department will weigh training needs with potential officer/officer family concerns.

IX. FOIA

- A. All video and/or audio files generated by BWC systems remain the property of the Springfield Police Department.
- B. Recordings shall not be released except in compliance with an order from the court(s) or applicable State and Federal laws. Copies of the recording will only be made and/or released with permission of the Chief of Police or his designee or through a valid F.O.I.A. request.
- C. Recordings made with officer worn body cameras are not subject to disclosure under the Freedom of Information Act, except that:
 - 1. If the subject of the encounter has a reasonable expectation of privacy at the time of the recording, any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting of death or bodily harm, shall be disclosed in accordance with the Freedom of Information Act if:
 - a. The subject of the encounter captured on the recording is a victim or witness; and
 - b. The Springfield Police Department obtains written permission from the subject or the subject's legal representative. SPD will send a consent form via certified letter. The information will only be released upon receipt of a notarized consent form.
 - 2. Except as provided in paragraph (1) of this subsection (B), any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting in death or bodily harm shall be disclosed in accordance with the Freedom of Information Act.
 - 3. Upon request, the Springfield Police Department shall disclose, in accordance with the Freedom of Information Act, the recording to the subject of the encounter captured on the recording or to the subject's attorney, or the officer or his/her legal representative.
 - a. For the purposes of paragraph (1) of this subsection, 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 subsection, "witness" does not include a person who is a victim or who was arrested as a result of the encounter.
 - b. Only recordings or portions of recordings responsive to the request shall be available for inspection or reproduction. Any recording disclosed under the Freedom of Information Act shall be redacted to remove identification of any person that appears on the recording and is not the officer, a subject of the encounter, or directly involved in the encounter. Nothing in this subsection shall require the disclosure of any recording or portion of any recording which would be exempt from disclosure under the Freedom of Information Act.
- D. No officer shall prohibit any person, not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties while in a public place or when the officer has no reasonable expectation of privacy. The exceptions and penalties listed in ROC-02, ADD. 2, Rule 35 applies here as well.

X. BWC PROGRAM EVALUATION COMMITTEE

- A. The BWC Evaluation Committee is composed of the following individuals:
1. Deputy Chief or Commander Administrative Services Division
 2. Deputy Chief or Commander of Field Operations
 3. BWC Technician
 4. Academy Supervisor
 5. PB&PA #5 President or Vice President
 6. Professional Standards Lieutenant
- B. The BWC Evaluation Committee will convene as needed to evaluate the effectiveness of the BWC program and recommend any potential changes. Policy changes will be reviewed by the Chief of Police and City Legal prior to implementation.
- C. The BWC Committee will also ensure necessary training is provided to all officers as per 10 ILCS 2610 Section 35.
- D. An annual report of complaints where BWC video was used to help resolve the complaint will be completed by internal affairs for review by the BWC committee. This will be completed by Jan 31st of each year.
- E. The policy of the Springfield Police Department will be to forward complaints where BWC video proves the complaint is blatantly false to the States Attorney for prosecution.

KENNETH D. WINSLOW, CHIEF OF POLICE

Reviewed for Legal Sufficiency: _____
Assistant Corporation Counsel