

POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 243-P

REFERENCE STANDARDS: 41.3.8 83.2.2

SUBJECT: In-Car Video System

PURPOSE: To establish guidelines and procedures for the use of the in-car mobile audio/video recording equipment and the storage of all recordings used with this equipment.

I. POLICY (41.3.8a)

- A. The in-car video system shall be used to gather visually recorded evidence for court prosecution of violators of both traffic and criminal laws. (83.2.2)
- B. The in-car video system shall be used to assist in providing a training aid, defense of frivolous complaints against department personnel, quality assessment of officer/citizen contacts, and officer safety.

II. PROCEDURE

A. Training and Inspection

- 1. Officers shall not use the recording equipment unless they are adequately trained in its use and application. The sergeant in charge of police officer field training will ensure that newly hired officers receive training in the use of the recording equipment. This training will normally be provided by the new officer's Field Training Officer. The Sergeant of Support Services will also ensure that supervisors receive training not only in the use of the recording equipment, but also to access the system by the granting of supervisor rights. (41.3.8f)
- 2. Officers will be responsible to inspect the recording equipment prior to the beginning of each tour of duty. Any malfunction, damage, or deviation of operating conditions of the recording equipment will be reported immediately to the on-duty supervisor. In the event of a malfunction, the officer shall immediately place the unit out of service to prevent damage to the unit. (41.3.8e)

3. The Sergeant of Support Services or designated officer designated by the Chief of Police shall routinely inspect the recording equipment to evaluate the equipment's suitability for its intended use. The Sergeant of Support Services or designated officer shall arrange for the repair of equipment reported in need of such repair. (41.3.8e)

B. Operating Procedures

1. Officers will ensure the correct time and date are showing on the monitoring unit and will notify the Sergeant of Support Services.
2. The Video/Audio Recorder unit shall be set to record at the highest available recording speed/quality setting according to lighting conditions.

3. Microphone Transmitter Sign-out

- a. Officers shall draw a wireless mic transmitter for use with their assigned vehicle and video system. The wireless mic transmitters will be stored in a designated location in the equipment room and will be issued daily by the on-duty supervisor. The mic transmitter number shall be recorded on the daily log and on the Equipment Issue Daily Log for the Microphone Pack on Appendix A.

4. Use of Recording Equipment

- a. Officers assigned to a vehicle which has an in-car video system will log on to the unit at the beginning of their tour of duty utilizing their department issued USB Key or network login, then turn on the microphone and identify themselves by name, operator number and area of assignment.
 - b. Officers will record traffic stops, pedestrian stops, DUI's, pursuits, and fatal accident scenes (where practicable). Officers will also record other law enforcement related encounters or activities, including but not limited to, armed encounters, acts of physical violence, felonious conduct, enforcement stops, (such as suspicious persons/vehicles), arrests, searches, and any other unusual conduct or instance where an officer reasonably believes recording may assist with prosecution or enhance safety and such recording does not violate a subject's constitutional rights or state statute. It is not the policy of the Hanover Park Police Department to require its officers to cease recording an event, situation, or other circumstance solely at the bequest of anyone other than the officer's supervisor. Officers will inform those who ask that video/audio recording equipment are in use. The making of audio recordings that are not related to the above circumstances are prohibited. (41.3.8b) (41.3.8c)
 - c. Audio recordings can be made with the in-car video system as an exception to the eavesdropping statute under certain conditions. 720 ILCS 5/14-3(h) allows for recordings made simultaneously with the use of an in-car video camera recording of an oral conversation between a uniformed peace officer, who has identified his or her office, and a person in the presence of the peace officer whenever an officer

assigned a patrol vehicle is conducting an enforcement stop, or the patrol vehicle's emergency lights are activated or would otherwise be activated if not for the need to conceal the presence of law enforcement. "Enforcement stop" is defined as an action by a law enforcement officer in relation to enforcement and investigation duties, including but not limited to, traffic stops, pedestrian stops, abandoned vehicle contacts, motorist assists, commercial motor vehicle stops, roadside safety checks, requests to identification, or responses to requests for emergency assistance. As long as the police officer's actions are directly related to enforcement and investigation duties, and the other two conditions of the officer being in uniform and in a patrol vehicle with emergency lights activated are met, then the use of audio recording made at the same time as the video recording, is authorized. Other exemptions to the use of audio recordings are listed under 720 ILCS 5/14-3. (41.3.8c)

- d. Officers will make audio recordings simultaneously with video recordings on all traffic stop situations; this would assist in the preparation of reports and support any probable cause. Officers will record the entire traffic stop or situation from start to finish. In addition, in the event a custodial arrest(s) occurs as a result of the stop and the subject(s) are transported, the recording will not be stopped until the officer arrives in the holding facility safely port at the police facility. Without exception, officers are prohibited from engaging the mute switch on the wireless mic transmitter. (41.3.8b)
- e. For the purposes of this directive, an incident shall be considered complete when a reasonable and prudent person would consider the audio and/or video recording to have stopped at a logical point. A brief explanation by the officer prior to deactivation would enhance this continuity. (41.3.8b)
- f. The audio and video recording may be manually stopped by an officer either at an accident scene or while directing traffic with emergency lights activated, when the scene has been stabilized to the point where there is no longer a possibility of an arrest, or having the video equipment on for an extended period would serve no constructive purpose.
- g. The officer will select the appropriate video type upon stopping the video. The types are:
 - 1) No Citation - Used for verbals for traffic stops
 - 2) Citations - Used for non-crime traffic offenses
 - 3) DUI - Used for DUI Arrests
 - 4) Arrest -Used for arrests by primary officer or back-up officers
 - 5) Transport - Used for back-up officer transport of primary officer arrests or general prisoner transports
 - 6) Field Contact - Used for any field contact/interview recording as permitted or required by the Illinois Compiled Statutes
 - 7) Other – Used for any other event not fitting the above criteria
 - 8) Test - Used for beginning of shift system testing or other testing

- h. Officers will note in the appropriate report when video/audio recordings were utilized, as well as when part of the equipment is malfunctioning. In addition, for malfunctions, officers will make an entry in the L3 Issues tracker in SharePoint.
- i. When a vehicle equipped with the in-car video system is the backup car in any law enforcement related activities as described above in II (B)(4)(b), officers will allow the in-car video system to record for the entire duration of the event as with the primary officer. Officers should make every effort to remove other vehicles or obstructions so that the camera's view is free and clear of unwanted obstructions. This applies to all officers present at the scene.

C. Identification, Use & Storage of Video/Audio Equipment and Digital Recordings. (41.3.8d)

- 1. Every microphone transmitter placed into service will be marked and numbered.
- 2. Wireless mic transmitters and the Audio / Video Equipment Log will be stored in the designated location in the patrol equipment room.
- 3. The L3 Digital Video Recorder (DVR) records video and audio in a digital format. Events are recorded on a memory card. All recordings are automatically transferred wirelessly upon connection to a secure server that will be maintained in the Information Technology server room at the Police Department. Once the video events are successfully uploaded to the server and are electronically verified for integrity, the memory card will automatically be erased by the L3 DVR.
- 4. In the event that connection to the network is lost or the transfer is interrupted, all files will automatically save and the video system will resume the transfer when it reconnects to the network.
- 5. After a successful transfer from the DVR unit to the designated computer server, the files will be automatically uploaded into the L3 Digital Evidence Server (DES). All file transfers will be automatically logged for a complete audit trail.
- 6. Once the video / audio segments are uploaded to the server they shall be stored in the server for a period of 180 days. After the 180 days are up, the video / audio segments shall be automatically erased for purposes of maintaining storage space on the server.
- 7. Recordings categorized by personnel as DUI, Arrest, Transport, and Field Contact and by the L3 DVR as Interrupted Recording, Background Mode, Power Failure, Firmware Upgrade, Card Format, Corrupt QBX, Crash Battery Died, Aggressive Driving, and Unknown will be automatically archived to an optical disk by the DES prior to being erased from the L3 server. The Property Custodian will store these disks in the Evidence Room and retain them in perpetuity. All other categories will not be archived from the server and will not be retrievable after 180 days.

8. If recordings need to be retained on the server after 180 days, the officer who made the recording or a supervisor will tag the video. The tagged video will be retained for an additional 365 days. Only System Administrators may untag a video.

D. HANDLING OF VIDEO RECORDINGS AS EVIDENCE (83.2.2)

1. Digital recordings/files are automatically uploaded to the L3 server in the Information Technology (I.T.) Department server room at the Police Department.
2. Digital recordings/files can be reviewed by the officer from the computers on the Police Department network managed by the I.T. Department.
3. Case Creation
 - a. A case is to be created in the DES for every custodial arrest effected where squad car video recordings exist. This is in addition to the requirement in section II.B.4.c.
 - b. The squad car video case will include all video recordings that are relevant to the case as required by this directive, including but not limited to primary and backup officers as well as transport situations.
 - c. The case officer will without any unnecessary delay create the case in the DES, so that the case exists for other involved officers to add their video in a timely manner. The case officer is required to create the video system case even when the case officer has no video files, if there are video recordings from other officers related to the incident/case. The case officer will notify other officers involved in the case/incident without any unnecessary delay when the case has been created and request that they add their video files to the case. When requested to do so, officers will add their video to the case promptly.
4. Digital recordings/files that contain information on incidents such as an arrest, physical or verbal altercations, pursuits, assaults or any other incident that the officer believes will be helpful to the investigation, will then be treated as evidence.
5. If a digital recording is deemed to be evidence, the officer will then activate the auto/export function three times to create duplicate DVD's from the created case; one copy to be retained as evidence, and two copies to be made available for court purposes.
6. Officers will complete an evidence / property inventory form utilizing the department's BEAST evidence system.

E. Use of Digital Recordings in DUI Arrests

1. Officers will attempt to record and narrate the driving behavior of a suspected intoxicated motorist prior to activating their emergency equipment by manually starting the camera and recording.

2. Officers should leave enough distance between the subject vehicle and their vehicle to ensure the entire subject vehicle is recorded. Officers will make all reasonable efforts to conduct field sobriety tests in view of the digital recording unit, if it is safe for the officer and violator to do so.
3. Officers will indicate in the body of their report that the arrest and field sobriety tests were recorded using the in-car video recording system, and that the recorded media was placed into evidence.
4. Officers that have affected a DUI arrest will make three (3) DVD copies of the digital evidence; one copy to be retained as evidence, and two copies to be made available for court purposes.

F. Demonstration and Display of Recording Equipment

1. It is the policy of this department to exhibit, display and demonstrate the recording equipment to interested parties upon request, at a time and place convenient to the scheduling requirements of the department and available personnel. Requests of this nature shall be directed to the Deputy Chief of Support Services.
2. Every effort shall be made to ensure that this demonstration is positive and thorough. The goal of this effort is the fostering of positive support for the use of this recording equipment and the resolution of any questions that may hamper the effectiveness of the recording equipment as an enforcement tool.

G. Supervisory Responsibility (41.3.8g)

1. Supervisors will conduct monthly reviews of a sampling of recorded files of subordinate officers for review of their performance. The reviews will be documented in the SharePoint In-Car Video Review tracker.
2. Upon review, supervisors shall initiate action concerning the subordinate's performance when warranted. Both positive and negative actions that are taken by the supervisor will be considered against the circumstances surrounding the incident which will dictate the appropriateness of the action.
3. The Supervisor's Lieutenant shall be notified by an automated SharePoint email of the above circumstances in a timely manner.
4. The shift or unit supervisor is responsible for ensuring that officers have created cases properly in the DES and that all relevant squad car video has been added to the case.

H. Ownership, Custody, Control, Display & Transfer of Recordings

1. It is the policy of this department that the recordings generated on department equipment, or equipment used during the performance of officers' duties, are the property of the Hanover Park Police Department.

2. Recordings that are potentially subject to continuing judicial review (appeals process, etc.) may be governed by the joint control of this department and the affected prosecutorial authority. Display of any recording contents during this time shall be limited to department members and those specifically designated by the prosecutor or appropriate department member.
 3. Any recordings that contain events of significant importance, such as armed encounters, instances of physical violence, contraband seizures of significant magnitude, and any other recorded event which would be re-investigated by an outside agency, shall be turned over to the affected State's Attorney.
 4. In all instances where the transmittal, transfer or transportation of recordings from one location to another is required, and when such transportation by a department vehicle or member is not practical or expedient, such transmittal shall be made by United Parcel Service (UPS), in accordance with the prevailing rules regarding chain of custody.
 5. Any request for a duplicate recording by non-Police Department personnel shall be made in writing to the Chief of Police. This request shall be kept on file, stating the reason for such a request and to whom the duplicate recording was supplied.
- I. Use of Recordings for Training Purposes (41.3.8c)
1. Periodically, video/audio equipment mounted in department vehicles record events that may prove useful as training aids. Therefore, when this equipment records unusual or exceptional instances and the incident recorded is perceived to be of value as a training aid, the following procedure shall apply:
 - a. The officer responsible for generating the recording / file shall arrange to review the recording / file with the his or her Lieutenant.
 - b. Should the recording / file be considered of value for training purposes, the lieutenant should forward the recording / file to the Training Committee for review. (The case to which the recording segment is relevant must be adjudicated through the courts).
 - c. After reviewing the recording / file segment and upon reaching a conclusion that it is of value as a training aid, the Training Committee shall reproduce the recording/ file segment for future training purposes.
 - d. Other copying or reproduction of any recorded event, without authorization of the Chief of Police, is prohibited.
 2. Unusual or exceptional related law enforcement activities generate the interest of many. However, members shall not afford individuals outside the parameters of law enforcement the opportunity to review a segment of a recording prior to the related incident being properly adjudicated in court. If allowed, this practice could very well constitute pretrial publicity, inhibiting normal court proceedings.

J. Request for Recordings Retained as Evidence (41.3.8c)

1. The recorded media will only be released to attorneys, or other persons having a legitimate interest in the recording, upon the presentation of an original valid subpoena issued by the court that has jurisdiction or pursuant to a Freedom of Information Act request. The Property Custodian, in accordance with department policy, will handle the request and release of the recorded media.
 - a. If a request for the recorded media of a video recording is not in evidence, the Property Custodian will then make three (3) DVD copies of the requested digital evidence from the DES; one copy to be retained as evidence, and two copies to be made available for court purposes.
 - b. If the video was not a custodial arrest, the Property Custodian will notify the officer who made the recording to create a case in the DES by their next shift and place the video in a case. The officer will notify the Property Custodian by email once the case is generated.
2. With the exception of the following agencies: Cook and DuPage County State's Attorney's Office, the Illinois Attorney General's Office, the U.S. Attorney's Office of Northern Illinois, the Office of the Public Defender for the aforementioned counties, and other law enforcement agencies, all requesting entities will be charged for the cost of the media.
3. Delivery of the recorded media will be handled in the same manner as requests for copies of police reports and other documents.
4. Officers needing a copy of a recorded media for court purposes or with the approval of their Division Deputy Chief or his or her designee will then submit a request to the Property Custodian as required by Directive 513S.

K. Funds Accounting-

1. Any monies received for duplication of recordings will be forwarded the Village Finance Department for deposit into the Village's General Fund.
2. Clerical personnel assigned to Staff Services will be responsible for receiving the funds, documenting the acceptance, securing the funds until the funds are transmitted to the Finance Department.

L. Remote Monitoring of In-Car Cameras

1. Definitions:
 - a. PatrolScout is a live-streaming computer server system which provides situational awareness and operational effectiveness to department personnel.

PatrolScout software allows only for live streaming of video with no audio and not recording. It also allows users to view real time locations of each PatrolScout enabled vehicle. It does not allow for remote operation of the DVR. Each time a live stream is activated and deactivated on each DVR, the Mobile Data Computer software automatically notifies the personnel operating the In-Car Camera system.

- b. Mobile Viewer is a client software which connects to the DVR over a local network connection.
- c. PatrolScout MDC Client is a utility software which connects the Patrol Scout server to the DVR over a secure network connection.

2. Patrol Scout Access & Use

- a. The Chief of Police or his designee has the sole authority to grant access to the PatrolScout server.
- b. The PatrolScout server maintains an audit trail of all activity by personnel.
- c. Inappropriate use by personnel of the PatrolScout server may lead to discipline, up to and including termination of employment.