

## Portable Audio/Video Recorders (Body Worn Cameras)

### 421.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this Department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and Mobile Audio /Video policies)

### 421.2 POLICY

The Urbana Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

### 421.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in their official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 421.4 MEMBER RESPONSIBILITIES

Prior to going into service, uniformed members assigned a portable recorder will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order. Members should wear the recorder in a conspicuous manner.

When using a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

The officer must provide notice of recording to any person if the person has a reasonable expectation of privacy (e.g. in their own home), and proof of notice must be evident in the recording.

### 421.5 ACTIVATION OF THE PORTABLE RECORDER

# Urbana Police Department

## Urbana PD Policy Manual

### *Portable Audio/Video Recorders (Body Worn Cameras)*

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The Illinois Officer-Worn Body Camera Act (50 ILCS 706/10-1) requires uniformed officers keep the camera powered on at all times while on-duty and to activate recording when performing any law enforcement activity. Pursuant to the Act, "law enforcement-related encounters or activities" 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 other 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 only in the presence of another law enforcement officer.

"Community caretaking function" generally means performing an "act unrelated to the to the investigation of a crime.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as practicable.

See attached 50 ILCS 706/10-1 for the exact statute detailing mandated procedures and definitions.

#### 421.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Illinois law prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation is private or confidential (720 ILCS 5/14-2).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

#### 421.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation.

# Urbana Police Department

## Urbana PD Policy Manual

### *Portable Audio/Video Recorders (Body Worn Cameras)*

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Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

421.5.3 [REDACTED]

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#### **421.6 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Supervisor. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

#### **421.7 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report. Members who review a recording before or during the writing of the police report shall memorialize that fact in the report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.

# Urbana Police Department

## Urbana PD Policy Manual

### *Portable Audio/Video Recorders (Body Worn Cameras)*

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- (d) In compliance with a public records request, if permitted, and in accordance with the Records Release and Security Policy.

#### **421.8 BODY-WORN CAMERA COORDINATOR**

The Chief of Police or the authorized designee should designate a coordinator responsible for (50 ILCS 706/10-20):

- (a) Identifying members who are assigned body-worn cameras.
- (b) Identifying members permitted to access recordings in order to redact, label or duplicate recordings.
- (c) Ensuring body-worn cameras acquired on or after July 1, 2015, are equipped with pre-event recording of least the 30 seconds prior to camera activation and are capable of recording for a period of at least 10 hours.
- (d) Establishing procedures for:
  - (a) The care and maintenance of body-worn cameras, including reasonable efforts to be made by supervisors to correct or repair body-worn camera equipment upon notice from a member experiencing technical difficulties, failures or problems with the equipment.
  - (b) Compliance with the Law Enforcement Officer-Worn Body Camera Act and guidelines established by the Illinois Law Enforcement Training and Standards Board (ILETSB) for the use of body-worn cameras.
  - (c) Security of recordings including access controls.
  - (d) Redacting, labeling and duplicating recordings.
  - (e) Supervisor and member review of recordings.
- (e) Providing an annual report to the ILETSB pursuant to 50 ILCS 706/10-25.
- (f) Ensuring the Department uses authorized body-worn camera recording media (50 ILCS 706/10-10).

#### **421.9 RETENTION OF RECORDINGS**

All recordings other than those made with body-worn cameras shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days unless the recordings are made a part of an arrest or the recordings are deemed evidence in any criminal, civil or administrative proceeding.

##### **421.9.1 RETENTION REQUIREMENTS FOR BODY-WORN CAMERA RECORDINGS**

Recordings made on body-worn cameras shall be retained for 90 days. Recordings shall not be altered, erased or destroyed prior to the expiration of the 90-day storage period (50 ILCS 706/10-2050 ILCS 706/10-20).

# Urbana Police Department

## Urbana PD Policy Manual

### *Portable Audio/Video Recorders (Body Worn Cameras)*

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After the 90-day storage period, recordings must be destroyed unless any of the following occur (50 ILCS 706/10-20):

- (a) A formal or informal complaint has been filed
- (b) The officer discharged his/her firearm or used force during the encounter
- (c) Death or great bodily harm occurred to any person in the recording
- (d) The encounter resulted in a detention or arrest other than a traffic stop resulting in only a minor traffic offense or a petty offense with a fine of more than \$1,000
- (e) The officer is the subject of an internal investigation or otherwise being investigated for possible misconduct
- (f) The supervisor of the officer, prosecutor, defendant or court determines that the encounter has evidentiary value in a criminal prosecution
- (g) The recording officer requests that the video be retained for official purposes related to his/her official duties

Under these circumstances, the recording of the encounter shall not be altered or destroyed for two years. If the recording is used in a criminal, civil or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court.

Recordings may be retained anytime a supervisor designates the recording for training purposes and 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.

#### 421.9.2 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.