

## BODY WORN CAMERAS

### 700.1 PURPOSE AND SCOPE

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.

### 700.2 POLICY

It is the policy of the Batavia Police Department to provide officers with body worn cameras. The 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 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. A body worn camera may also capture information not evident to the officer on the scene. 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.

### 700.3 DEFINITIONS

**Audio Only Mode:** A recording mode that captures audio only.

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

**Body Worn Camera Administrator:** Deputy Chief, appointed by the Chief of Police, who is responsible for oversight of the Department's Body Worn Camera 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.

**Community Caretaking Function:** A function unrelated to the investigation of a crime such as participating in public meetings, including but not limited to, assisting a lost child, providing death notifications, or performing well-being checks on the sick or elderly.

**Event Mode:** When the event button on the body worn camera is activated the camera is recording both audio and video for up to twelve hours. The buffered video, not audio, captured

# Batavia Police Department

## Policy Manual

directly before the event will be saved and attached to the event's permanent memory.

**Flag:** To mark important evidence that you want to find more easily in the future. You can filter your evidence by flagged status and quickly view the flagged evidence files.

**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:** Process of editing the evidence Title, Case ID and Description.

**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, noncommunity 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. This does not include situations where the officer is completing paperwork alone or only in the presence of another law enforcement officer.

**Verbal Announcement / Notice:** Verbal statement by the officer indicating a body camera is recording the interaction. Example: "My body camera is on; you are being recorded."

### **700.4 OBJECTIVES OF THE BODY WORN CAMERA PROGRAM**

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

# Batavia Police Department

## Policy Manual

### **700.5 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.
  - 1. 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 and documented in the officer's incident report. 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 incident report.
    - i. Once the initial notice has been provided, the notice requirement has been satisfied, even when another individual becomes a party to the communication.
    - ii. When consent is not obtained, event mode shall be deactivated.
    - iii. If exigent circumstances exist which prevents the officer from providing the notice, notice must be given as soon as practical.
- b) 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.
- c) If an officer is uncertain as to whether a reasonable expectation of privacy exists, the officer shall provide the aforementioned verbal notice.
- d) Members shall not surreptitiously record another Department member unless lawfully authorized by the Chief of Police or the authorized designee.
- e) Officers are prohibited from using personally owned recording devices while on-duty.

### **700.6 WHEN TO LEAVE THE BODY WORN CAMERA IN BUFFERING MODE**

- a) Officers have discretion to leave the BWC in buffering mode under the following circumstances:
  - 1. While engaged in a community caretaking function.
    - i. However, the BWC shall be in event mode 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.
    - ii. If exigent circumstances exist which prevent the BWC from being turned on event mode, the BWC shall be turned on event mode as soon as practicable.

# Batavia Police Department

## Policy Manual

2. When the person being arrested is cooperative and safely secured inside the Station.
  - i. 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.
- b) The BWC shall not record under the following circumstances:
  1. Inside medical and psychiatric facilities.
    - i. 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.
    - ii. For purposes of this policy, an ambulance is not a medical facility.
  2. Personal activities or other Department members during routine, non-enforcement related activities. (locker rooms, break rooms, restrooms, completing incident reports, case discussions with personnel).
  3. The incident involves sensitive exposures of private body parts unless required for capturing evidence.
  4. Locations where a reasonable expectation of privacy exists, such as a dressing room, restroom, unless required for capturing evidence. Refer to Section 700.5.1 for more information on a reasonable expectation of privacy.
  5. 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.
  6. A victim of a crime, witness of a crime, informant, or community member who wishes to report a crime requests that the BWC be turned to buffering mode and such request is made on the recording, unless impractical or impossible.
    - i. However, the Officer may continue to record or resume recording if exigent circumstances exist, or if the Officer has a reasonable articulable suspicion that the person who requests not to be recorded has committed or is in the process of committing a crime. 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.
    - ii. An officer may request that the BWC be placed in audio only mode instead of buffering mode and may do so if the subject consents on the recording.
- c) The Officer is engaged in scene protection, monitoring a traffic post, or other similar activity and reasonably believes there is no longer any necessity to record.

# Batavia Police Department

## Policy Manual

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

### **700.7      ACTIVATION OF BODY WORN CAMERA**

Officers are required to turn on their BWC at all times when the Officer is wearing their uniform, as defined herein, and is responding to calls for service or engaged in any official related encounter or activities occurring while the Officer is on duty, subject to the exceptions listed in the Policy.

- a) Officers shall use only Department issued body cameras.
- b) Officer's Body Worn Camera will automatically switch from Buffering Mode to Event Mode when the Officer activates the emergency lights on his/her police car.
- c) Officers shall utilize their Department issued BWC in the performance of their law enforcement related duties; exceptions may be granted by the Chief of Police or his designee.
- d) The safety of the Officer takes precedence over the recordings of events.
- e) Officers have discretion as to the placement of the BWC, as approved by the Department, and consistent with Getac recommendations.
- f) Officers should ensure their BWC is on buffering mode during their 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 change the system from buffering mode to event mode to record the entire incident for all of the following:
  - 1. When involved in an emergency driving situation.
  - 2. Execution of a search warrant, arrest warrant, or a consent search in which the officer is looking for a suspect.
  - 3. Foot pursuits.
  - 4. High-risk situations.
  - 5. Any call for service.
    - i. Calls for service that involve only telephone contact are not required to be recorded. Officers may elect to record telephone calls in either event mode or audio only mode only after obtaining consent from the other party to record the call.
  - 6. 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 BWC is not required to be in the event mode. However, when the Officer believes there is a

# Batavia Police Department

## Policy Manual

reasonable likelihood of coming into contact with unauthorized person(s), the BWC shall be transitioned to event mode.

7. Situations where the officer reasonably believes to serve a proper purpose. For example, recording the processing of an uncooperative arrestee through the booking process.
8. Transporting a detainee or person(s) not in custody, regardless of gender. If multiple officers are transporting all officers are required to record the incident using their BWC.
9. Prior to arriving at a dispatched call or when self-initiating a response to a call.
  - h) Evidence Technicians processing a crime scene after the initial response by officers are not required to activate their BWC while processing the scene unless they encounter another law enforcement activity that requires the activation of the BWC.
  - i) Field Training Officers wearing plain clothes shall be equipped with a BWC and shall use the camera in accordance with this section.
  - j) Officers assigned to a multi-jurisdictional task force (MERIT, NIPAS, ILEAS, Fire Investigation Task Force) will not wear a BWC during call-out activities until a memorandum of understanding with the particular task force executive board is approved.
  - k) Officers who are assigned a BWC and are members of a multi-jurisdictional task force and who are responding to an initial, in-progress call while on duty in Batavia, must have their BWC activated.
  - l) Officers working a detail (Fourth of July Fireworks, Batfest, etc...) will wear their BWC in the buffering mode while working the detail. The camera will be transitioned to event mode in accordance with this policy should any law enforcement-related activities occur during the detail.
  - m) When exigent circumstances exist, which prevent the BWC from being turned on event mode, the BWC shall be turned on event mode as soon as practicable. The circumstances shall be documented in the officer's incident report.
  - n) Officers are encouraged to provide notice to the subject being recorded unless it is unsafe to do so, or exigent circumstances exist. If a person inquires as to whether a body camera is in use or whether a recording is being made, officers shall provide a prompt and truthful response.
  - o) During the recording of an incident, officers shall not turn off the BWC until the entire incident has been recorded. In instances where case strategy is being discussed and release of the information will comprise the investigation, the BWC shall remain in event mode. However, the information will be redacted in the event the recording is requested through Freedom of Information (FOIA) and will be released in accordance to the provisions set forth in the Law Enforcement Officer Worn Body Camera Act.

# Batavia Police Department

## Policy Manual

- p) In the event of an arrest, the incident is concluded when the subject has been transported to the Station. However, officers have discretion to continue recording through the booking process to when the subject is placed in a cell.
  - 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 Act (FOIA) and will be released in accordance with 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 BWC shall be on event mode when the Miranda warning is being provided to the person in custody.
- q) When an interrogation that must be recorded by law or this policy takes place in a location that has other video and audio recording options, such as an interview room, that equipment may be used in lieu of the officer's body camera.
- r) If the officer fails to activate the BWC to event mode and does not record the entire incident, or interrupts the recording for any reason, the officer shall as soon as possible follow-up with a verbal explanation on the BWC while it is in event mode, the time, place and reason why the recording was not made or discontinued. This shall also be documented in the officer's incident report.
- s) If an incident report is taken, the officer shall document in the report that the incident or interaction was recorded by a body camera.
- t) Other than performing activities listed in section 700.6.b.2, Officers will not turn off the power to their body camera during their shift or detail.

### **700.8 PROHIBITED USE OF BODY CAMERAS**

- a) Body cameras shall not be placed in event mode during the following:
  - 1. Communications with other police personnel during routine, non-enforcement related activities
  - 2. Communications with other police personnel during planning and tactical discussions.
  - 3. Encounters with undercover officers or informants.
  - 4. When an officer is on break or is otherwise engaged in personal activities.
  - 5. Officers who inadvertently activate the body camera during non-law enforcement activities shall notify their supervisor upon discovery of the activation. The supervisor who was notified will as soon as possible classify the recording as "Restricted". The Deputy Chief will review the recording only to the point where it can be determined that the recording was appropriately classified as "Restricted" Only the Deputy Chief and the Chief of Police will have viewing rights



# Batavia Police Department

## Policy Manual

for recordings classified as “Restricted.” “Restricted” recordings will be retained for a period of 90 days.

6. When buffered video includes prohibited activities, or when an officer whose BWC is already in event mode pursuant to 700.7 engages or is involved in an activity whose recording is prohibited under this section, the BWC shall remain in event mode. However, the information will be redacted in the event the recording is requested through Freedom of Information (FOIA) and will be released in accordance with the provisions set forth in the Law Enforcement Officer Worn Body Camera Act.
  - b) Officers are prohibited from using Department-issued body cameras and recording media for personal use and from making personal copies of recordings created while on-duty or while acting in their official capacity.
  - c) Recordings shall not be used by any officer for the purpose of entertainment, embarrassment, or ridicule.
  - d) Officers who are off-duty and who take official action are not expected to be in possession of their assigned body camera.

### **700.9 BODY CAMERA VIDEO UPLOAD AND EVIDENCE DOCUMENTATION**

- a) Whenever an incident is recorded, the officer making the recording shall classify the video by retention period according to the information available at the time of the recording as indicated below. Officers are required to correctly classify all body camera videos prior to the end of each tour of duty unless authorized by a supervisor to wait until the next day’s shift. Body camera videos must be classified if the officer does not work again for more than 24 hours after the end of the shift.

#### **1. Standard Retention: 90 Days**

- i. Call for Service (including traffic crashes with no tickets issued)
- ii. Citizen Contact / Community Relations / Training (no evidentiary value)
- iii. Function Test / Accidental Activation
- iv. Traffic Stop with a written or verbal warning issued

#### **2. Flagged Retention: 2 Years**

- i. Traffic Stop or Traffic Crash with citation
- ii. Local Ordinance citations
- iii. Misdemeanor offenses

#### **3. Extended Retention: 4 Years**

- i. Felony offenses

#### **4. Other Retention: Until manually deleted**



# Batavia Police Department

## Policy Manual

- i. Administrative Investigation
  - ii. Critical Incident or Death Investigation
5. Restricted: 90 Days
  - i. Accidental recording of non-law enforcement activities. See 700.8(a)(5)
6. Court: Until manually deleted.
  - i. Added to existing recording when used in a civil, criminal, or administrative proceeding.
- b) Officers will include the relevant CR in the “Case Number” field. If there is no relevant CR, Officer’s shall enter “NO CR”.
  1. In the “Notes” section, Officer will include the Primary Offense or reason for the recording consistent with the selected retention period. (E.g., Traffic stop with written warning, misdemeanor offense, function test, etc.)
  2. Officers may also include additional information, such as a subject’s name or identifiers, location, or other notes.
- c) If an officer subsequently learns additional information that would change the retention period, they should notify a supervisor or system administrator so that the classification and retention period can be updated.
- d) Supervisors may request a longer duration classification tag to any video at their discretion. Officers may request that a video be flagged for official purposes related to their official duties.
- e) Whenever an incident is recorded and a report is written regarding that incident, the recording shall be noted in the corresponding incident report.
- f) Officers are required to upload all body camera videos at the end of each tour of duty by placing the BWC in their designated docking station.

### **700.10 REVIEW OF BODY CAMERA RECORDINGS**

- a) All images and sounds recorded by body cameras are the exclusive property of the Department.
- b) Personnel will not erase, alter, or make unauthorized copies of the recorded media made by body cameras, or other recording devices.
- c) The recording officer and the officer’s supervisor may access and review body camera recordings prior to completing incident reports or other documentation, provided that the officer or his supervisor disclose that fact in the report or documentation.
- d) Officers shall not use the fact that a body camera recording was made as justification for writing a less-detailed report.

# Batavia Police Department

## Policy Manual

- e) Recordings may be used for the purposes of instruction, training, or ensuring compliance with Department 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, at the discretion of the BWC Administrator. See section 700.16 for more information.

### **700.11 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. Officer involved shootings
  - 2. In-custody deaths
  - 3. Officer involved traffic crash with fatalities or serious injuries
  - 4. On-scene complaints of excessive force
  - 5. Employee sustains a serious injury or death in the line of duty
- b) Should an incident arise that requires the immediate retrieval of the recorded media, a supervisor shall respond to the scene and retrieve the body camera(s) that may have captured the incident and ensure proper upload of the recorded media. The officer(s) shall not return to duty until equipped with a fully functioning body camera.
  - 1. Pursuant to the Law Enforcement Body Worn Camera Act and in circumstances in which the officer will be completing a police report, the recording officer may access and review recordings prior to completing a police report or other documentation, provided that the officer or his/her supervisor discloses the fact that such video footage has been reviewed prior to writing the report.

# Batavia Police Department

## Policy Manual

2. Officer may view footage due to ongoing exigency that may aid the present investigation.
- c) The supervisor shall, as soon as practicable, upload the recording(s) and flag the recordings to extend the retention period. Refer to Section 700.16.
- d) Protected conversations with the appropriate counsel should not take place until the device is removed or completely powered down.

### **700.12 OFFICER RESPONSIBILITIES**

- a) Prior to being assigned a BWC, 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) Officers dressed in uniform and working a shift, detail, or a special event, shall wear their assigned body camera while on duty.
- c) Prior to beginning their tour of duty, 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.
- d) Officers shall also inspect the body of the camera 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 officer's supervisor. If the body camera is damaged or is deemed inoperable, the supervisor will immediately provide a replacement body camera to the officer.
- e) The BWC shall remain in the officer's designated docking station until the officer's next shift. Officers are not authorized to bring the camera home.

#### **700.12.1 ADDITIONAL RESPONSIBILITIES FOR NON-UNIFORMED OFFICERS**

- a) Non-uniformed officers are subject to the same requirements and restrictions as uniformed officers as outlined above.
- b) Officers assigned to Investigations or any other non-uniformed assignment should carry and use an approved body camera at any time the officer believes that such a device may be useful in recording statements from other involved parties or documenting evidence.
- c) Officers assigned to Investigations or any other non-uniformed position shall wear a body camera when they are wearing outer protective vests which identify them as police officers.
- d) Officers assigned to Investigations or any other non-uniformed position shall be equipped with a body camera and record the following situations.
  1. An in-person interrogation, whether custodial or non-custodial, of an individual suspected of committing a crime, regardless of the location of that interrogation, unless the location has other video and audio recordings in use:

# Batavia Police Department

## Policy Manual

2. A planned arrest detail.
  3. Execution of a search warrant.
  4. A uniformed detail.
  5. A uniformed patrol assignment.
  6. Any enforcement stop of a person or vehicle.
  7. Response to an emergency call for service.
  8. Any other law enforcement encounters as directed by a supervisor.
- e) Non-uniformed officers involved in the execution of a search warrant may deactivate the body camera recording once the scene is secure if they are not involved in an interrogation or are no longer in contact with citizens involved in the search warrant.

### 700.12.2 ADDITIONAL CONSIDERATIONS FOR SCHOOL RESOURCE OFFICERS

The Batavia Police Department recognizes that the duties and working environment for School Resource Officers (SRO) are unique within law enforcement. It is recognized that SRO's are required to maintain school safety while keeping the sanctity of the learning environment that the school provides. SRO's are expected to continuously build trusting relationships with students and staff. They also often have impromptu interventions with students to deescalate arguments and/or conflicts. It is with this understanding that the Batavia Police Department provides special regulations to SRO's on their use of Body Worn Cameras (BWC), while remaining in compliance with state law.

- a) It is recognized that SRO's often have conversations with students/staff that are unrelated to the investigation of a crime and fall under the definition of a community caretaking function. It is not appropriate to record these conversations as it diminishes the trust between the individual and the SRO.
- b) The BWC shall be activated in any of the following situations:
  - i. When summoned by any individual to respond to an incident where it is likely that a law enforcement-related activity will occur.
  - ii. Any self-initiated activity where it is previously known or facts develop that a custodial arrest will be made or a law enforcement-related activity will occur.
  - iii. Any self-initiated activity where it is previously known or facts develop that the questioning/investigation will be used later in criminal charges.
  - iv. When feasible an SRO shall activate the BWC when the contact becomes adversarial, the subject exhibits unusual or aggressive behavior, or circumstances indicate that an internal complaint will likely be filed.
- c) If an incident is recorded on a BWC, the principal of the school shall be notified of the incident/ recording.

# Batavia Police Department

## Policy Manual

### **700.13 SUPERVISOR RESPONSIBILITIES**

- a) Supervisors shall ensure officers equipped with BWC utilize them in accordance to policy and training.
- b) Supervisors are authorized to review relevant body cameras recordings at any time to include when they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing an officer's performance.
- c) When a supervisor becomes aware that a recorded incident pertains to a critical incident, as outlined in Section 700.11, 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.
- d) Should an incident arise that requires the immediate retrieval of the recorded media, a supervisor not involved in the incident shall respond to the scene and retrieve the body camera(s) that may have captured the incident and ensure proper upload of the recorded media. The officer(s) shall not return to duty until equipped with a fully functioning body camera.
- e) Monthly, supervisors will randomly review 10 recordings pertaining to his/her area of responsibility to ensure that the equipment is operating properly and that officers are using the cameras appropriately and in accordance with this policy and training.
  - 1. The selection of recordings will be conducted in an impartial manner that promotes an equitable review of recordings from all officers under the supervisor's chain of command.
  - 2. Supervisors shall document their review using the BWC Supervisor Monthly Audit form. Completed forms shall be forwarded to the BWC Program Administrator through the chain of command. Officers will be notified if their video has been reviewed.
  - 3. 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.
- f) Supervisors shall identify any areas in which additional training or guidance is required.
- g) 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.
- h) Recordings may not be reviewed indiscriminately for disciplinary purposes. 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.

# Batavia Police Department

## Policy Manual

3. A use of force incident has occurred.
4. As corroboration or other evidence of misconduct.

### **700.14 BODY WORN CAMERA ADMINISTRATOR RESPONSIBILITIES**

The Deputy Chief of Administration or his designee will be assigned the duties of the Body Worn Camera Administrator and will be 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 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 the following;
  1. 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.
  2. 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.
  3. Security of recordings including access controls.
  4. Redacting, labeling and duplicating recordings.
  5. Supervisor and member review of recordings.
- e) Ensuring the Department uses authorized body-worn camera recording media (50 ILCS 706/10-10).
- f) Providing an annual report to the ILETSB pursuant to 50 ILCS 706/10-25, on or before May 1<sup>st</sup> of each year. The report shall include.
  1. A brief overview of the makeup of the agency, to include the number of officers using a BWC.
  2. The number of BWC used by the department.
  3. Technical issues with the equipment and how the issues were remedied.
  4. Brief description of the review process used by supervisors.
  5. For each recording used in the prosecution of conservation, criminal, or traffic offenses or municipal ordinance violations:

# Batavia Police Department

## Policy Manual

- i. The time, date, location of the incident.
  - ii. The offense charged and the date charges were filed.
6. Any other relevant information pertaining to the administration of the BWC program.

### **700.15 SECURITY OF RECORDINGS**

All employees should be aware that audio and video data may contain extremely sensitive and private recordings and are responsible for ensuring compliance with 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 images and sounds recorded by the BWC are considered investigative property of the Batavia Police Department. The utmost care and caution shall be taken to ensure the data is not mishandled or misused.
- b) Supervisors have the discretion to determine if the circumstances warrant a review by the citizen. 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.

### **700.16 RETENTION OF RECORDINGS**

- a) All BWC recordings will be retained for a minimum of 90 of days from the date of the recording. Under no circumstances shall any recording made by an officer-worn body camera be altered, erased, or destroyed prior to the expiration of the 90-day storage period.
- b) Following the 90-day storage period, recordings may be retained if the Deputy Chief 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 agency policies with expressed consent/notification to the officer.
- c) Recordings shall be flagged for the following reasons:
  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 detention or an arrest, excluding traffic stops which resulted in only a minor traffic offense or business offense.



# Batavia Police Department

## Policy Manual

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 a court determines that the encounter has evidentiary value in a criminal prosecution.
  7. The recording officer requests that the video be flagged.
  8. A Freedom of Information Request has been filed.
  9. Incident requiring the completion of IRMA paperwork.
- d) 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.
- e) Recordings will not be altered or destroyed prior to the retention periods designated in Section 700.9(b). 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.

### **700.17 RELEASE OF RECORDINGS (FOIA)**

- a) Recordings made with the use of an officer-worn body camera are not subject to disclosure under the Freedom of Information Act (FOIA), 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 death or bodily harm, shall be disclosed in accordance with FOIA if.
    - i. The subject of the encounter captured on the recording is a victim or witness; and
    - ii. The law enforcement agency obtains written permission of the subject or the subject's legal representative.
  2. Except as provided in paragraph (1) of this section, any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or an incident resulting in death or bodily harm shall be disclosed in accordance with FOIA; and
  3. Upon request, the law enforcement agency shall disclose, in accordance with FOIA, the recording to the subject of the encounter captured on the recording or to the subject's attorney, or the officer or his or her legal representative
- b) For the purposes of paragraph (a)(1) of this section, 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 (a)(1) of this section, "witness" does not include a person who is a victim or who was arrested as a result of the encounter.

# Batavia Police Department

## Policy Manual

- c) Only recordings or portions of recordings responsive to the request shall be available for inspection or reproduction. Any recording disclosed under FOIA shall be redacted to remove the 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 section shall require the disclosure of any recording or portion of any recording which would be exempt from disclosure under FOIA.
- d) Nothing in this section shall limit access to a camera recording for the purposes of complying with the Supreme Court rules or the rules of evidence.
- e) Recordings that have been requested via FOIA will be retained until manually deleted.



# CITY OF BATAVIA

## DEPARTMENT OF POLICE



### BATAVIA POLICE DEPARTMENT

Per Batavia Police Department policy 700.13.e, supervisors will randomly review 10 body worn camera recordings pertaining to his/her area of responsibility to ensure that the equipment is operating properly and that officers are using the cameras appropriately and in accordance with this policy and training. Officers will be notified if their video has been reviewed.

Recording Number 1		
Incident Date: _____ Time Span: _____ Video ID #: _____		
Briefly describe the footage:		
Appropriate use:	Yes No	If no, explain and briefly state what officer counseled on:
Recording Number 2		
Incident Date: _____ Time Span: _____ Video ID #: _____		
Briefly describe the footage:		
Appropriate use:	Yes No	If no, explain and briefly state what officer counseled on:
Recording Number 3		
Incident Date: _____ Time Span: _____ Video ID #: _____		
Briefly describe the footage:		
Appropriate use:	Yes No	If no, explain and briefly state what officer counseled on:
Recording Number 4		
Incident Date: _____ Time Span: _____ Video ID #: _____		
Briefly describe the footage:		
Appropriate use:	Yes No	If no, explain and briefly state what officer counseled on:
Recording Number 5		
Incident Date: _____ Time Span: _____ Video ID #: _____		
Briefly describe the footage:		
Appropriate use:	Yes No	If no, explain and briefly state what officer counseled on:



**CITY OF BATAVIA**  
DEPARTMENT OF POLICE



<b>Recording Number 6</b>		
Incident Date: _____ Time Span: _____ Video ID #: _____		
Briefly describe the footage:		
Appropriate use:	Yes No	If no, explain and briefly state what officer counseled on:
<b>Recording Number 7</b>		
Incident Date: _____ Time Span: _____ Video ID #: _____		
Briefly describe the footage:		
Appropriate use:	Yes No	If no, explain and briefly state what officer counseled on:
<b>Recording Number 8</b>		
Incident Date: _____ Time Span: _____ Video ID #: _____		
Briefly describe the footage:		
Appropriate use:	Yes No	If no, explain and briefly state what officer counseled on:
<b>Recording Number 9</b>		
Incident Date: _____ Time Span: _____ Video ID #: _____		
Briefly describe the footage:		
Appropriate use:	Yes No	If no, explain and briefly state what officer counseled on:
<b>Recording Number 10</b>		
Incident Date: _____ Time Span: _____ Video ID #: _____		
Briefly describe the footage:		
Appropriate use:	Yes No	If no, explain and briefly state what officer counseled on:

Date: \_\_\_\_\_ Supervisor: \_\_\_\_\_ Badge #: \_\_\_\_\_ Shift: \_\_\_\_\_

# Batavia Police Department

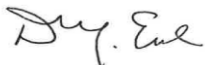
## Policy Manual

### Contents

BODY WORN CAMERAS.....	1
700.1 PURPOSE AND SCOPE .....	1
700.2 POLICY.....	1
700.3 DEFINITIONS .....	1
700.4 OBJECTIVES OF THE BODY WORN CAMERA PROGRAM .....	2
700.5 REASONABLE PRIVACY EXPECTATIONS .....	3
700.6 WHEN TO LEAVE THE BODY WORN CAMERA IN BUFFERING MODE .....	3
700.7 ACTIVATION OF BODY WORN CAMERA.....	5
700.8 PROHIBITED USE OF BODY CAMERAS .....	7
700.9 BODY CAMERA VIDEO UPLOAD AND EVIDENCE DOCUMENTATION .....	8
700.10 REVIEW OF BODY CAMERA RECORDINGS .....	9
700.11 CRITICAL INCIDENTS.....	10
700.12 OFFICER RESPONSIBILITIES.....	11
700.12.1 ADDITIONAL RESPONSIBILITES FOR NON-UNIFORMED OFFICERS .....	11
700.12.2 ADDITIONAL CONSIDERATIONS FOR SCHOOL RESOURCE OFFICERS.....	12
700.13 SUPERVISOR RESPONSIBILITIES .....	13
700.14 BODY WORN CAMERA ADMINISTRATOR RESPONSIBILITIES.....	14
700.15 SECURITY OF RECORDINGS .....	15
700.16 RETENTION OF RECORDINGS.....	15
700.17 RELEASE OF RECORDINGS (FOIA) .....	16
APPENDIX A: BWC MONTHLY AUDIT REVIEW.....	18
EFFECTIVE DATE .....	20

### EFFECTIVE DATE

The effective date of this order is April 29, 2021.



By order of Daniel M. Eul, Chief of Police