

Body-Worn Cameras

440.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this department and for the access, use, and retention of department BWC media (50 ILCS 706/10-20).

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

440.1.1 DEFINITIONS

Definitions related to this policy include (50 ILCS 706/10-10; 50 ILCS 706/10-20):

Activate - To place a BWC in event mode. In event mode, the BWC records both video and audio.

Body-worn camera (BWC) - An electronic camera system worn by a sworn police officer for the purpose of creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings.

BWC media - The video, audio, and images captured by department BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, authorized by ILETSB and used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals of at least 30 seconds that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

In uniform - 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 they are a law enforcement officer acting in the course of their duties.

Label or Tag - The process of adding labels, titles or tags to BWC media to ensure that the media is searchable and assigned the appropriate retention time frame, provided the labeling does not alter the actual recording of the incident captured on the body worn camera.

Law enforcement-related encounters or activities - Activities in which the member is enforcing the law, including traffic or pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd, and traffic control. It does not include tasks unrelated to the investigation of a crime such as participating in town halls or other community outreach; helping a child find the

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child's parents; providing death notifications; performing in-home or hospital well-being checks on the sick, or elderly; or completing paperwork while alone, participating in training in a classroom setting, or tasks performed only in the presence of another law enforcement officer.

440.2 POLICY

It is the policy of the Department to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and department accountability and transparency while also protecting the privacy of members of the public. Use of BWCs and BWC media accomplishes the following objectives:

- Promotes officer safety
- Enhances public trust and accountability by preserving factual representations of officer and citizen interactions.
- Documents statements and events during the course of an incident.
- Enhances an officer's ability to document and review statements and actions for internal reporting requirements, as well as courtroom preparation and presentations.
- Preserves visual and audio information and evidence for use in investigations and criminal prosecutions.
- Serves as a training tool to provide impartial measurement for self-critique and field evaluation during officer training.

The department recognizes that a BWC may not always capture what an officer sees, hears, senses, or experiences. A BWC may also capture information not evident to an officer on the scene. The recorded images should not be considered the totality of the circumstances used by an officer when responding to a particular situation. Officers must continue to provide thorough police reports to ensure the totality of each incident is documented.

440.3 RESPONSIBILITIES

440.3.1 BWC ADMINISTRATOR RESPONSIBILITIES

The Chief of Police should delegate certain responsibilities to a BWC Administrator, who may also utilize specifically designated support staff to assist in fulfilling their duties.

The responsibilities of the administrator include (50 ILCS 706/10-20):

- (a) Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.
- (b) Acquiring sufficient BWCs to equip all law enforcement officers with BWCs while on duty (50 ILCS 706/10-15).
- (c) Ensuring BWCs are equipped with pre-event recording of at least 30 seconds prior to activation and can record for at least 10 hours as required by law.
- (d) Developing inventory procedures for issuing and tracking BWC equipment.

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- (e) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
 - 1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
- (f) Managing BWC media systems so that:
 - 1. Systems used by the Department are authorized by ILETSB and in compliance with the Law Enforcement Body-Worn Camera Act (50 ILCS 706/10-10).
 - 2. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.
 - 3. Appropriate security requirements are in place for user credentials.
- (g) Configuring BWC media systems, or developing procedures, so that media is appropriately categorized and retained according to the event type.
- (h) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems.
- (i) Coordinating with the Records Supervisor to develop procedures for the appropriate release of BWC media.
- (j) Providing the required annual report to ILETSB (50 ILCS 706/10-25).
- (k) Establishing procedures for supervisory review of department member BWC media and BWC use.
- (l) Monthly, running a system report to ensure all BWC media has been tagged and categorized as required.

440.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall ensure that officers equipped with BWCs utilize them in accordance with this policy and department training. Supervisors may review relevant BWC media at any time whenever such BWC media would be useful in reviewing an officer's performance, including but not limited to investigations of alleged misconduct or upon reports of meritorious conduct. Supervisors are additionally responsible for the following:

- (a) Monthly, completing random supervisory reviews of at least ten (10) recordings pertaining to the supervisor's area of responsibility.
 - 1. The selection of recordings shall 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 Administrator through the chain of command. Members shall be notified if their video has been reviewed pursuant to the monthly review.

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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.
 - i. If policy violations are observed by a supervisor, such policy violations shall be treated on a basis which neither enhances or diminishes any potential discipline.
- (b) Conducting weekly audits to confirm the previous week's BWC media has been properly uploaded, tagged and categorized by members under their chain of command. Exigent circumstances or heavy call volume are reasonable explanations for a delay in the weekly audit being completed. However, a supervisor shall complete the weekly audit as soon as practicable once the exigency or heavy call volume has resolved.
- (c) Responding to the scene of an critical incident that requires the immediate retrieval of BWC media (see Officer-Involved Shootings and Deaths Policy), provided the supervisor is not personally involved in the incident. In such cases, the BWC(s) that may have captured the incident should be retrieved as soon as practicable and the supervisor should ensure proper upload, categorization, and labeling of the BWC media.
 1. The member(s) from whom the BWC(s) were retrieved shall not return to duty until equipped with a functioning BWC.
- (d) Identifying areas in which additional training or guidance is required.
 1. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
- (e) As soon as practicable, reviewing BWC media from a significant event, including but not limited to:
 1. An incident that is the basis of a formal or informal complaint or an incident that is likely to result in a complaint.
 2. When a member has sustained a serious injury or a line-of-duty death has occurred.
 3. When a firearm discharge or use of force incident has occurred.
 4. An event that has attracted or is likely to attract significant media attention.

BWC media shall not be used to prepare performance evaluations unless used for the purpose of correcting substandard member performance that was brought to the supervisor's attention or for the purpose of highlighting commendatory performance of a department member.

BWC media may not be reviewed indiscriminately for disciplinary purposes. BWC media may be reviewed to determine possible employee discipline when:

- (a) A formal or informal complaint of misconduct has been made.

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- (b) The encounter on the recording could result in a formal investigation under the Uniform Peace Officer's Act.
- (c) A use of force incident has occurred.
- (d) As corroboration or other evidence of misconduct.

440.3.3 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance.

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order. As part of the inspection, the member should perform a function test by activating the BWC and recording a brief video.

Members have discretion as to the placement of their BWC, as approved by the department and consistent with manufacturer recommendations. Generally, the BWC should be positioned on the member's outermost garment or worn in a way that ensures that the BWC is not obstructed. BWCs should be positioned at or near chest level and as close to the center of their body as practicable. Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording. Members shall only use department-approved BWC mounts.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock or stored in a secure location.

Members shall document and report any malfunction or damage to the BWC or associated equipment using the BWC Malfunction, Damage or Recording Failure form. Forms shall be provided to the member's supervisor and the BWC Administrator as soon as practicable. If possible, members should obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement (50 ILCS 706/10-20).

[See attachment: BWC Malfunction Damage or Recording Failure.pdf](#)

Members who are assigned a take home vehicle are permitted to take home their BWC when necessary, provided they adhere to the following condition:

- (a) Before taking the camera home, members should upload their recordings using the docking station and verify that all recordings have been uploaded.
- (b) Members are responsible for ensuring that the BWC has enough battery life to record their next shift.
- (c) Members are not permitted to take their BWC home when the member will be off for an extended period of time or when the member has failed to upload all recordings. In these instances, members shall return the BWC to the charging dock.

Other department members may take their BWC home at the end of their shift for the purpose of working a detail or assignment scheduled for the next day or following their shift, provided they adhere to the following conditions:

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- (a) Before taking the camera home, members must upload their recordings using the docking station and verify that all recordings have been uploaded.
- (b) Upon completion of the detail assignment, members shall return the BWC to the docking station at the completion of their next scheduled shift.
- (c) Members are responsible for ensuring that the BWC has enough battery life to record their next shift.
- (d) Members are not permitted to take their BWC home when the member will be off for an extended period of time, when the member has failed to upload all recordings, or when the member is driving a marked patrol car to and from the detail. In these instances, members shall return the BWC to the charging dock.

440.4 BWC USE

The following guidelines apply to the use of BWCs:

- (a) Only department-issued BWCs should be used. Members are prohibited from using any other BWC without the express consent of the Chief of Police or the authorized designee.
- (b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor. Nothing in this provision is intended to limit an officer's ability to use a spare BWC, provided supervisory notification is made.
- (c) The use of department-issued BWCs shall be strictly limited to department-related activities.
- (d) Members should not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
- (e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

There may be situations when a department member is in uniform but without a BWC. This may occur when the member's contact with the public is generally business or administrative in nature and they do not have a reasonable expectation that they will be responding to calls for service or engaged in a law enforcement related encounter. If such member unexpectedly encounters a situation that requires them to undertake actions in a law enforcement capacity, the member shall take a police report and document the reason why BWC media was not recorded.

Department-issued BWCs are equipped with GPS. The location of department members wearing a BWC can be seen by telecommunicator staff at Tri-Com Central Dispatch through the RapidSOS program and through the Axon Fusus program. BWC location information may be monitored for purposes of officer safety when an officer is outside of the vehicle and is not responding to status updates, is unsure of their location during an active police incident (i.e. foot pursuit, foot patrol, etc.), or is otherwise believed to be in distress.

440.4.1 PROHIBITIONS

BWCs should not be used to record (50 ILCS 706/10-20):

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- (a) Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information).
- (b) Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
- (c) Conversations of other members without their knowledge.
- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courtroom equipped with a functioning camera system unless responding to a call for service or emergency situation.
- (f) During any court related matter, including but not limited to, pre-trial conferences, depositions, or any other activity in the courtroom.
- (g) Interactions with undercover officers or confidential informants.
- (h) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

440.5 ACTIVATION OF BWC

The safety of the officer and the public takes precedence over the recording of events and at no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC shall be activated as soon as reasonably practicable in required situations (50 ILCS 706/10-20).

Members shall activate their BWC when in uniform and responding to or engaged in any calls for service or during the performance of law enforcement-related encounters or activities, including but not limited to;

- Emergency driving situations
- Responses to in-progress or recently occurred crimes
- Execution of a search warrant, arrest warrant, consensual search, inventory search, or probable cause search
- Foot or vehicle pursuits
- High risk situations
- Any phone call involving a law enforcement-related encounter (recordings should include video and audio).
 - Department members shall give verbal notice of recording anytime a phone call is recorded.
- Transporting any prisoners or persons not in police custody

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- When speaking to citizens regarding a complaint against an employee, unless requested by the complainant to deactivate the BWC. If practical, the complainant's request should be captured on the recording.
- Situations where the member reasonably believes to serve a proper purpose (ex: recording the processing of an uncooperative arrestee throughout the booking process).

Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement-related encounters or activities, such as tasks unrelated to the investigation of a crime like participating in town halls or other community outreach, completing paperwork while alone, or participating in training. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial, or the member has a reasonable articulable suspicion that the individual has committed or is in the process of committing a crime (50 ILCS 706/10-20).

Unless otherwise authorized by this policy or approved by a supervisor, BWCs shall remain activated until the call for service or law enforcement-related encounter or activity has concluded. For purposes of an arrest, the incident is concluded when the subject has been safely secured inside a jail cell following any booking or processing procedures and any searches of the arrestee or arrestee's property have been completed. BWCs may also be deactivated anytime an officer leaves the jail area and is no longer interacting with the arrestee. Prior to removing an arrestee from a cell, department members shall activate their BWC. BWC activation is not required during routine jail checks or other administrative work in the jail while the arrestee is secured in a cell.

A member may cease recording anytime they are utilizing an interview room that is equipped with functioning audio and video equipment.

A member may cease recording if they are simply waiting for a tow truck or a family member to arrive (or other similar situations), or in situations where a member is engaged in crime scene processing for an extended period of time and only in the presence of other law enforcement officers. However, when the officer believes there is a reasonable likelihood of engaging in any law enforcement-related activity, their BWC shall be activated.

If a member attempts to activate their BWC but the BWC fails to record an event, or if the member fails to activate the BWC when required, the member should notify their supervisor as soon as practicable. The member should narrate on the recording the reason the recording was not made, if applicable, and shall document this information in their police report if completing a report, and on the BWC Malfunction, Damage or Recording Failure form.

Department BWCs are equipped with a muting function. BWC media is muted (no sound) when a user depresses the mute button and continuously holds the mute button down. Once the mute button is released, audio will immediately resume recording. Muting is authorized in specific articulable circumstances listed in 440.5.1. Members shall not mute for any other reason other than those circumstances listed in 440.5.1 unless specifically authorized by a supervisor.

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440.5.1 PRIVACY CONSIDERATIONS

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. Verbal notification of a BWC recording is not required unless the individual has a reasonable expectation of privacy.

If any individual has a reasonable expectation of privacy, as soon as practicable members shall verbally notify those individuals that they are being recorded using a BWC. The notice should be captured on the recording or narrated by the member (50 ILCS 706/10-20; 720 ILCS 5/14-2). Once the initial notice has been provided, the notice requirement has been satisfied, even when another individual becomes a party to the communication.

If a department member is uncertain as to whether a reasonable expectation of privacy exists, the officer should provide the aforementioned verbal notice.

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have a reasonable expectation of privacy (e.g., medical or mental health facilities, dressing rooms, restrooms, etc.) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest or evidentiary need in recording the event. For purposes of this policy, an ambulance is not considered a medical facility. Members should also mute or deactivate their BWC.

- (a) When an individual wishes to provide information anonymously.
 - (b) To avoid recording a confidential informant or undercover officer.
 - (c) When discussing tactical planning or strategy.
1. In instances where strategy or tactical planning is recorded on a BWC, and the release of the information may compromise an investigation, such strategy or tactical planning information shall be redacted if the BWC media is requested through the Freedom of Information Act (FOIA) to the extent permitted by FOIA and the Law Enforcement Officer Body Worn Camera Act.

Members shall deactivate their BWC when a victim, a witness, or a community member reporting a crime requests that the camera be turned off, unless exigent circumstances exist or the member has reasonable articulable suspicion that the individual has committed or is in the process of committing a crime. The individual's request to deactivate and the member's reason for continuing to record despite the request should be captured on the recording (50 ILCS 706/10-20).

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the department's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed. Members

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should be cognizant of the public perception of frequent muting or BWC deactivations and use discretion and sound judgment in determining the necessity of these actions.

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

440.5.2 ADDITIONAL CONSIDERATIONS FOR SCHOOL RESOURCE OFFICERS

The role of a School Resource Officer (SRO) is a unique responsibility in the law enforcement field. SRO's are required to maintain school safety while not distracting students from the learning environment. The SRO role also involves building trust with school staff and students. One way of establishing trust is through conversations with staff or students that are unrelated to the investigation of a crime or law enforcement-related encounter. These encounters fall under the definition of a community caretaking function, and recording such conversations may diminish trust or impede relationship building. SRO's should avoid recording conversations and interactions in the school environment that fall under the community caretaking exception.

Nothing in this section is intended to relieve the SRO of their duty to record law enforcement-related encounters, the investigation of criminal activity, or other circumstances warranting BWC activation (section 440.5). In the event an incident is recorded on BWC, the principal of the school or designee should be notified of the incident and recording.

440.5.3 LIVESTREAMING

Livestreaming capabilities are not currently enabled in the Batavia PD BWC Program.

If livestreaming is enabled, livestreaming allows authorized individuals to remotely view the audio and video captured by a member's BWC in real time. Only supervisors and dispatchers approved by the Chief of Police shall have access to livestreaming capabilities.

Livestreaming should only be activated:

- (a) For purposes of member safety when the member is not responding to their radio or there is some other indication of distress.
- (b) To assist with situational awareness or tactical decisions during a significant incident.
- (c) When requested by the member.

440.5.4 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Recording members are encouraged to use "marks" when recording footage or during BWC media review. Marks can be utilized to highlight significant events in BWC media to assist the member or others authorized to view the BWC media with rapid review of significant events within the BWC media.

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Every report prepared by a member who is issued a BWC should state whether or not BWC media was recorded in relation to the reported incident and should document:

- (a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
- (b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.
- (c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
- (d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.
- (e) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

440.6 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Department.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

440.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with the case or incident number (if not already properly tagged by the CAD Integration feature), and the event type. The format for a case number is two digits for the year and five digits for the case number (ex: 26-00911). BWC media that does not have an associated case or incident number shall be tagged with "00-00000" in the report number field, and an explanation of the event type (i.e. body camera test, accidental activation, etc.). BWC media shall be tagged prior to the end of the member's shift unless authorized by a supervisor. If more than one case number or event type applies to BWC media, the media should be tagged with the case number and event type with the longest retention period.

If the BWC Media is associated with more than one case number, an email should be sent to the investigations supervisor and BWC Administrator with the BWC media file information and the associated case report numbers so that a "case folder" can be created in the Axon Evidence.com cloud. This will ensure the BWC media is associated with both case numbers.

The Axon cloud environment, Evidence.com, uses specific terminology that does not mirror Illinois state statute. In order to assist department members with entering required data into the proper Evidence.com fields, members shall refer to the following Axon terminology:

- (a) **Required Evidence.com fields:**

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1. **ID:** Members shall use the "ID" field to enter the case number or incident number in the appropriate format.
 2. **Title:** Members shall use "Title" field to provide a description of the event or incident type. The Axon system may assign the video file a standardized Axon title, but department members should change the title to reflect the event or incident type. When entering the event or incident type, members should fully spell the event or incident type, not use shorthand (ex: Use "Criminal Damage to Property", NOT "CDTP", or, use "Traffic Stop - Citation", NOT "Tstop" or "T/S").
 3. **Categories:** Members shall use the "Categories" field to select the appropriate BWC media retention, in accordance with 440.6.2.
- (b) **Discretionary Evidence.com fields:**
1. **Notes:** Members may utilize the "Notes" field to add non-public notes or information to BWC media (ex: interviewing a suspect, calling the victim, etc.).
 2. **Content warning:** Members may use the "Content Warning" button to alert other members of language or images that may be disturbing if the BWC is viewed.
 3. **Tags:** The "Tags" field is auto-populated by the Axon system in the event the BWC or Fleet 3 camera is activated by a triggering event (i.e. CEW Activation, etc.).

Content warning and Notes are only available in Evidence.com and cannot be edited from the Fleet 3 program.

440.6.2 CATEGORIZATION OF BWC MEDIA

Whenever an incident is recorded, the member making the recording shall categorize the video to set the BWC media retention time frame. The category/retention period shall be selected in accordance with the information available at the time of the recording as indicated below. Members shall categorize all BWC media prior to the end of their shift unless authorized by a supervisor. BWC media must be tagged and categorized if the member does not work again for more than 24-hours after the end of their shift.

- (a) **Standard Retention: 90 Days**
1. Routine calls for service that are not included in an alternate category (including traffic crashes with no tickets issued)
 2. Citizen contact, community relations, training (no evidentiary value)
 3. Function test or accidental activation
 4. Traffic stop with a warning issued
 5. Issuance of a local ordinance ticket as a part of routine parking enforcement (vehicle owner not present)
- (b) **Flagged Retention: 2 Years**
1. Traffic stop or traffic crash with citation
 2. Local ordinance citations issued to an individual

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3. Misdemeanor offenses
- (c) Extended Retention: 4 Years
 1. Felony offenses
- (d) Other Retention: Until manually deleted
 1. Administrative investigation
 2. Critical incident or death investigation
- (e) Court: Until manually deleted
 1. Added to an existing recording when used in a civil, criminal, or administrative proceeding

440.6.3 RESTRICTED OR CONFIDENTIAL BWC MEDIA

BWC media may also be marked as "restricted" or "confidential." Marking BWC media as restricted or confidential does not impact or alter the retention period (ex: BWC media with an extended retention period that is also marked as restricted will still be retained for the 4-year extended retention time frame). Marking BWC media restricted or confidential only changes who can access the media, and does not impact the BWC media retention. BWC media should still be appropriately categorized using the above listed retention periods.

- (a) **Restricted:** A department member may request that BWC media be marked as restricted. Marking BWC media as restricted will restrict viewing access of the BWC media to Axon System Administrators and the recording member. Supervisors, investigators, and other members will not be able to view or access restricted BWC media. Members shall complete the Notice of Sensitive BWC Media form anytime they believe BWC media should be restricted. Completed forms shall be forwarded to a supervisor for review. If approved, the supervisor should mark the BWC media as restricted. Members should request that BWC media be marked as restricted under the following circumstances:
 1. Serious legitimate privacy concerns for individuals depicted in the BWC media (i.e. partially or fully unclothed, etc.).
 2. The BWC contains content related to a sensitive investigation (ex. CSAM investigation, etc.).
 3. As a temporary safeguard to limit BWC media access when the BWC media may be subject to deletion (see 440.8.1) or to being marked as confidential.
- (b) **Confidential:** A department member may request that BWC media is marked as confidential using the Notice of Sensitive BWC Media form. Marking BWC media as confidential restricts access of the BWC media to the BWC Administrator and the Chief of Police. No other members, including the recording member will have access to BWC media marked as confidential. BWC media can only be marked confidential by the BWC Administrator or the Chief of Police. Members may request that BWC media be marked as confidential under the following circumstances:

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1. The BWC media contains non-law enforcement activity of a sensitive nature, AND the department has a legitimate interest in retaining the BWC media because it also contains evidence related to a law enforcement related encounter or criminal investigation.
2. In circumstances where the BWC media is related to a qualifying internal or administrative investigation.
3. Upon receipt of a court order signed by a Judge to seal a case.
4. Other articulable circumstance that the member reasonably believes serves a proper purpose.

440.7 BWC MEDIA

All BWC media is the sole property of the Department and shall not be copied, released, or disseminated in any form outside the parameters of this policy without the expressed written consent of the Chief of Police. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee (50 ILCS 706/10-20).

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

440.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy. BWC media may contain extremely sensitive and private images or incidents. Careless handling of BWC media, a breach in data security, and/or the intentional release of media to non-authorized individuals may jeopardize department relationships with citizens or the community, diminish public trust, subject victims to an invasion of privacy, jeopardize prosecutions, and endanger the safety of individuals.

Members who receive a request for BWC media from another entity (i.e. State's Attorney's Office, another law enforcement agency, etc.) shall review the request with their supervisor prior to submitting a request to the Records Division or the BWC Administrator to distribute the recording.

BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines (50 ILCS 706/10-20):

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- (a) Members and their supervisors may review their own BWC media for department-related purposes and prior to completing incident reports or other documentation. However, members shall not review their BWC media or the BWC media of another member before completing an initial report or other documentation when the member has been involved in or is a witness to an officer-involved shooting, use of deadly force incident, or use of force incident resulting in great bodily harm; or is ordered to write a report in response to or during the investigation of a misconduct complaint against the member.
 - 1. In those instances, if the member prepared a report and subject to the approval of a member of the command staff, they may file a supplemental report after reviewing BWC media and document that review in the supplemental report.
 - 2. In all other instances, members and supervisors should document in their report if they reviewed BWC media before completing or reviewing a report.
- (b) Members may allow a citizen to view BWC media when in their discretion, such viewing may assist with identifying a suspect in the footage or otherwise aid in an ongoing investigation. Members are not permitted to duplicate or provide a copy of the BWC media to the citizen, and shall ensure that the citizen does not use a recording device to record BWC media during the viewing. Members shall refer citizens interested in obtaining a copy of BWC media to the FOIA officer or portal.
- (c) Investigators may review BWC media pertaining to their assigned cases.
- (d) A member testifying regarding a department-related event may review the pertinent BWC media before testifying.
- (e) Supervisors may review BWC media with a complainant when in their discretion, such viewing may assist with mitigating a citizen complaint. Supervisors are not permitted to duplicate or provide a copy of the BWC media to the complainant, and shall ensure that the complainant does not use a recording device to record BWC media during the viewing. Supervisors shall refer a complainant interested in obtaining a copy of BWC media to the FOIA officer or portal.
- (f) Supervisors are permitted to access and view BWC media of their subordinates (see 440.3.2).
- (g) Department members, supervisors, or training staff may request certain BWC media be considered for training purposes. Requesting members shall communicate the request to the BWC Administrator through the chain of command. The BWC Administrator is permitted to access and view BWC media to determine its suitability for training purposes.
 - 1. The BWC Administrator may use or authorize the use of BWC media for training purposes. The administrator should ensure that proper caution is used to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the member(s) appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.
 - 2. BWC media designated for training purposes should be accessed and viewed in the presence of approved training staff or a supervisor.

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3. BWC media designated for training purposes may be retained longer than the established retention period as approved by the BWC Administrator.
 - (h) The Records Supervisor and assigned Records Technicians may access BWC media when necessary to conduct department-related duties (i.e. FOIA processing, redaction, discovery orders, etc.).
 - (i) The BWC Administrator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.
 - (j) A member's field training officer may access and review BWC media for training purposes.

440.7.2 PUBLIC ACCESS

Unless disclosure is required by law, Attorney General Public Access Counselor (PAC) opinion, or a court order, BWC media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity, or depicts the interior of:

- (a) A private residence.
- (b) A facility that offers health care, mental health or substance abuse treatment, or social services.
- (c) A school building.
- (d) Any other building in which public access is restricted or which implicates heightened security concerns.

When disclosure of any of the above conditions are required by law, Attorney General Public Access Counselor (PAC) opinion, or a court order, the BWC media shall be redacted to the maximum extent possible to protect the privacy of anyone depicted in the BWC media.

Requests for the release of BWC media shall be processed in accordance with established records release laws and the Law Enforcement Officer-Worn Body Camera Act (50 ILCS 706/10-20). The Records Supervisor should review BWC media before public release.

440.8 RETENTION OF BWC MEDIA

BWC media should be retained on a BWC media system in accordance with state records retention laws but in no event for a period of less than 90 days. BWC media shall not be altered, erased, or destroyed prior to the expiration of the 90-day storage period, unless otherwise authorized by statute and this policy. In the event any BWC media is altered, erased, or destroyed prior to the expiration of the 90-day storage period, the Chief of Police shall maintain a written record including the name of the individual who made such alteration, erasure, or destruction, and the reason for any such alteration, erasure, or destruction for one year (50 ILCS 706/10-20).

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

- (a) A formal or informal complaint has been filed.

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- (b) The member discharged a firearm or used force during the encounter.
- (c) Death or great bodily harm occurred to any person in the BWC media.
- (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 member is the subject of an internal investigation or otherwise being investigated for possible misconduct.
- (f) The supervisor of the member, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution.
- (g) The recording member requests that the BWC media be retained for official purposes related to their official duties or believes that it may have evidentiary value in a criminal prosecution. At a minimum, this should be done any time the event recorded on the BWC media is required to be retained in accordance with department established BWC media retention periods (see 440.6.1).
- (h) When a department member's request to retain BWC media for training purposes has been approved.

Under these circumstances, the BWC media of the encounter shall not be altered or destroyed for a minimum of two years, and in accordance with department established BWC media retention periods (see 440.6.1). If the BWC media is used in a criminal, civil, or administrative proceeding, it shall not be destroyed except upon a final disposition and order from the court.

All BWC media related to a complaint, investigation, or adjudication of police misconduct must be permanently retained and shall not be destroyed (Local Records Act, 50 ILCS 205/25).

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved.

440.8.1 ACCIDENTAL RECORDINGS AND DELETION

In the event of an accidental activation of a member's BWC during situations where a reasonable expectation of privacy exists and when the department has no evidentiary interest in the BWC media, members may submit a Notice of Sensitive BWC Media form. The form shall be forwarded to the member's supervisor. Deletion of BWC media is not required in every accidental BWC activation. Deletion of BWC media should only be requested in cases where the media contains images or sounds of a highly private or sensitive nature and continued retention would be inappropriate and serves no proper purpose.

The request shall be forwarded to the BWC Administrator for review and approval. Recordings deemed by the BWC Administrator to serve no official purpose shall be deleted by the administrator or designee.

The BWC Administrator shall maintain all completed Notice of Sensitive BWC Media forms in accordance with existing records retention laws.

[See attachment: Notice of Sensitive BWC Media.pdf](#)

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440.9 PUBLIC RECORDING OF LAW ENFORCEMENT

No member may hinder or prohibit any person recording a law enforcement officer in the performance of their duties in a public place or in a circumstance where the member has no reasonable expectation of privacy. (50 ILCS 706/10-20(11)). The unlawful confiscation or destruction of the recording medium of a person who is not a law enforcement officer may result in criminal penalties, as well as departmental discipline, including, but not limited to termination.

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

440.10 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

- (a) Proper use of the BWC device and accessories.
- (b) When BWC activation is required, permitted, and prohibited.
- (c) How to respond to an individual's request to stop recording.
- (d) Proper use of the BWC media systems, including uploading and tagging procedures.
- (e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

Attachments

BWC Malfunction Damage or Recording Failure.pdf



BWC Malfunction, Damage or Recording Failure

BWC Malfunction or Damage: Members shall document and report any malfunction or damage to the BWC or associated equipment using the BWC Malfunction or Damage form. Forms shall be provided to the member's supervisor and the BWC Administrator as soon as practicable. If possible, members should obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement (50 ILCS 706/10-20).

Employee: _____ Badge # _____

Date of incident: _____ Associated Case Report # (if applicable): _____

Equipment Serial Number # (only required in cases of damage or malfunction): _____

Type of malfunction, damage or recording failure:

- Human error / failed to record (Describe): _____
- Visible equipment damage / impact damage
- BWC submerged / suspected water damage
- Other damage / damage of unknown origin (Describe): _____
- BWC failed to record for unknown reason
- BWC media not uploading or missing
- Other malfunction (Describe): _____

Did video of a law enforcement-related encounter fail to record due to damage, malfunction or error?

- Yes
 - No
- *If a police report is taken, an explanation of why the BWC media is unavailable should be included in the report.

Signature: _____

Supervisor Review

Reviewing Supervisor: _____ Badge # _____

Supervisor notes (if applicable): _____

Signature: _____

*Completed forms shall be forwarded to the BWC Administrator who shall maintain records for all equipment and system malfunctions, as well as any resolutions, maintenance or repair records.

Notice of Sensitive BWC Media.pdf



Notice of Sensitive BWC Media

BWC Media Deletion: In the event of an accidental activation of a member's BWC during situations where a reasonable expectation of privacy exists and when the department has no evidentiary interest in the BWC media, members may submit a BWC Media Deletion/Confidential Request form. The form shall be forwarded to the member's supervisor. Deletion of BWC media is not required in every accidental BWC activation. Deletion of BWC media should only be requested in cases where the media contains images or sounds of a highly private or sensitive nature and continued retention would be inappropriate and serves no proper purpose.

Marking BWC Media Confidential: Confidential BWC media can only be viewed by the BWC Administrator and the Chief of Police. The BWC Administrator or Chief of Police are the only members who can mark BWC media as confidential. Members may request that BWC media be marked as confidential under the following circumstances:

1. The BWC media contains non-law enforcement activity of a sensitive nature, AND the department has a legitimate interest in retaining the BWC media because it also contains evidence related to a law enforcement related encounter or criminal investigation.
2. In circumstances where the BWC media is related to a qualifying internal or administrative investigation.
3. Upon receipt of a court order signed by a Judge to seal a case.
4. Other articulable circumstance that the member reasonably believes serves a proper purpose.

Marking BWC Media Restricted: Restricted BWC media can be viewed by Axon System Administrators and the recording member. Any department supervisor can mark BWC media as restricted. Members should request that BWC media be marked as restricted under the following circumstances:

1. Serious or legitimate privacy concerns for individuals depicted in the BWC media (i.e. unclothed, etc.).
2. The BWC media contains content related to a sensitive investigation (ex: CSAM investigation, etc.).
3. As a temporary safeguard to limit BWC media access when the BWC media may be subject to deletion or to being marked as confidential.

Date of request: _____ Requesting Employee: _____ Badge # _____

Date of incident: _____ BWC Media File #: _____

Request for Deletion Mark file as Confidential Mark file as Restricted

Description of footage and justification: _____

Signature: _____

Supervisor Review

Reviewing Supervisor: _____

Recommended Action: Approve Request Deny Request

Justification: _____

Signature: _____

BWC Administrator Review

BWC Administrator: _____

Action Taken:

- Approved/Deleted
- Approved/Confidential
- Approved/Restricted
- Denied

Justification: _____

Signature: _____