

# GALESBURG POLICE DEPARTMENT

## GENERAL ORDER OPS-29

### USE AND MAINTENANCE OF IN CAR AND BODY-WORN CAMERA SYSTEMS

**INTRODUCTION:** The use of in-car and body-worn cameras can provide great value for the prosecution of traffic and criminal cases, the protection of officers and citizens, provide transparency, build trust, and enhance training.

**PURPOSE:** The Purpose of this General Order is to establish procedures for the use of the In-Car and Body-Worn Camera System (BWC) by the patrol officers of the Galesburg Police Department, as well as the storage of the recordings, and the care and maintenance of the individual units.

#### **DIRECTIONS:**

##### **I. Responsibilities of the Patrol Officer**

- A. Employees equipped with a department-issued BWC must have training in the operation of the equipment before its use. BWC equipment will be used per the BWC operations manual.
- B. Employees who discover an operational defect with the BWC system will attempt to correct the system following the received training on the device (I.E.: Reseating cables, Cycling the power, etc.). If the BWC is found to have a physical defect or malfunction, the Employee will notify the supervisor, and write up the device for service describing the events leading up to failure.
- C. At the beginning of each shift, the officer shall log into the MDC and ensure that it is in proper working order. The officer shall verify that the BWC system is synced and working properly. Personal or alternative storage devices are prohibited.
- D. After all recordings, the officer shall designate the appropriate category for the recording based on the circumstances. The officer shall also document in the BWC system the DR number and/or citation number applicable to the recording.
- E. Employees shall not:
  - i. Bypass or attempt to override the equipment.
  - ii. Erase, alter, or delete any recording produced by the BWC.
  - iii. Officers who intentionally violate the provisions of the Body Worn Camera act commit Law Enforcement Misconduct. Specifically, 720 ILCS 5/33-9(a)(3).

##### **II. WHEN TO REQUIRE DEPARTMENT PERSONNEL TO UTILIZE THE ISSUED**

**BWC SYSTEM** This section is not intended to describe every possible situation requiring the use of the system. In some circumstances, it may not be possible to capture images of an incident due to conditions or location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements.

- A. Illinois Public Act 099-0352 requires the activation of BWCs at all times when the officer is in uniform and is responding to calls for service. Or, when the officer is engaged in any “law enforcement-related encounter” or activity that occurs while the officer is on-duty.
- i. Examples of Law Enforcement Related Encounters including but not limited to:
    1. Traffic stops
    2. Pedestrian stops
    3. Arrests
    4. Searches
    5. Interrogations
    6. Investigations
    7. Pursuits
    8. Crowd control
    9. Traffic control
    10. Non-community caretaking interactions with an individual while on patrol
    11. Or any other instance in which the officer is enforcing the laws of the municipality, county, or State.
  - ii. Exceptions:
    1. When completing paperwork alone or only in the presence of another law enforcement officer
      - a. This includes computer-related activities such as sending electronic files, electronics search warrants, or other administrative correspondence through the use of email or similar activities that are readily available through a freedom of information request or other means.
    2. Exigent circumstances that prevent the immediate activation of the BWC
      - a. The camera must be recording as soon as practicable
    3. When inside of a patrol car that has a functioning MVR unit; however, the officer must turn on the camera upon exiting the patrol vehicle for law enforcement-related encounters.
  - iii. Officers must turn off BWCs when:
    1. A crime victim requests it, unless impractical or impossible
    2. A witness of a crime or a community member who wishes to report a crime requests it, unless impractical or impossible
    3. The officer is interacting with a confidential informant (CI)

An officer may continue to record or resume recording a victim or witness if exigent circumstances exist. Or, if the officer has a reasonable articulable suspicion that a victim or witness, or CI, has committed or is in the process of committing a crime. Officers must indicate

on the recording the reason for continuing to record despite the victim or witness request, unless impractical or impossible.

4. Officers may turn off the BWCs when the officer is engaged in a community caretaking function unless the officer has reason to believe the person has committed or is in the process of committing a crime.
5. 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. If exigent circumstances exist which prevent the officer from providing notice, notice must be provided as soon as practicable.

#### **Muting of BWC Audio**

1. Muting of BWC audio may be done when an officer is involved in a private or deliberative conversations.
2. BWC audio may be muted during the search of a home or other location as the result of a search warrant.

### **III. Responsibilities of the Supervisor**

- A. To ensure proper training in the use and proper maintenance of the BWC by all officers under their respective command
- B. To regularly inspect the BWC units for damage, misuse, or the need for repair.
- C. To randomly review recordings to identify material that may be appropriate for training.
  - i. The reviews of the BWC shall be the following:
    1. Months of January, March, May, July, September, November – minimum of one traffic stop per officer.
    2. Months of February, April, June, August, October, December – minimum of one call for service per officer.
    3. The supervisor will complete the “Mobile Recording Review Supervisory Report Form”. (Appendix A)
- D. Supervisors shall ensure that all recordings are properly categorized and marked with the appropriate DR number or citation number. All cases involving a forcible felony, death, or great bodily harm shall be burned to a DVD, thumb drive, or other appropriate media device and tagged into evidence.
  - i. Except that supervisors shall not use recordings for disciplinary purposes unless:
    1. In the case of a formal or informal complaint of misconduct;
    2. A use of force incident has occurred;
    3. The encounter on the recording could result in a formal investigation under the Uniform Police Officers’ Disciplinary Act; or

4. As corroboration of other evidence of misconduct.

#### **IV. Recording Retention**

- A. The Galesburg Police Department shall retain all recordings not determined to be evidentiary for a minimum of 90 days.
  - i. Recordings may not be altered, erased, or destroyed before the expiration of the 90-day storage period.
  - ii. Following the 90-day storage period, recordings should be destroyed unless flagged. A flag is placed on an encounter when:
    1. After the filing of a formal or informal complaint;
    2. The officer discharged his firearm;
    3. Death or great bodily injury occurred;
    4. The encounter resulted in a detention or an arrest, excluding traffic stops that resulted in only minor traffic offense or business offense;
    5. The officer is the subject of an internal investigation or otherwise being investigated for possible misconduct;
    6. The supervisor of the officer, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution; or
    7. The recording officer requests the placing of a flag on the video for official purposes related to his/her official duties.
  - iii. Under no circumstances shall any recording made with BWC relating to a flagged encounter be altered or destroyed before 2 years after the flagging of the recording. If the flagged recording was part of a criminal, civil, or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court.
  - iv. Following the 90-day storage period, recordings may be retained for training purposes.
- B. Recordings made with BWCs are not subject to disclosure under the Freedom of Information Act, except that:
  - i. 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 in death or bodily harm, shall be disclosed per the Freedom of Information Act if:
    1. The subject of the encounter captured on the recording is a victim or witness; and
    2. The law enforcement agency obtains written permission of the subject or the subject's legal representative;
    3. Except as provided in paragraph (i) of this subsection (B), any recording which is flagged due to the filing of a complaint, discharge of a firearm,

use of force, arrest or detention, or resulting in death or bodily harm the department shall disclose the recording per the Freedom of Information Act;

4. Upon request, the law enforcement agency shall disclose, per the Freedom of Information Act, the recording to the subject of the encounter captured on the recording or the subject's attorney, or the officer or his/her legal representative.

## **V. Review of BWC System Recordings**

A. This section outlines the review of the department issued BWC system recordings.

- i. Reviews of recordings may occur under the following circumstances:
  1. By an employee to make sure the BWC system is working
  2. By an employee to assist with the writing of a report, supplement, or memorandum. Such review must be documented in the report.
  3. By authorized persons to review the evidence
  4. By a supervisor at any time
  5. By authorized Department personnel participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation.
- ii. For training purposes, the department may show recordings. If an involved employee objects to showing a recording, he/she may submit an objection to his/her commander to determine if the training value outweighs the employee's objection.
- iii. In no event shall any recording be used or shown to ridicule or embarrass any employee.
- iv. Employees shall not obtain, attempt to obtain, or convert for their personal use or the unauthorized use of another person, any information obtained by a BWC system. Employees shall not make personal copies or attempt to upload recordings to social networking sites (e.g., You-Tube, Facebook)
- v. Officers shall not review body-worn camera footage prior to completing an incident report when they are involved in, or witness to:
  1. Officer-involved shooting
  2. Use of deadly force incidents
  3. Use of force resulting in great bodily harm
  4. Reports related to misconduct investigations
  5. After preparing an initial report, and officer may file an amendatory report after viewing the body-worn camera footage.

**REFERENCES:** PA 099-0352, Austin Texas Policy 313, Galesburg Police Department General Order OPS-29, City of Macomb Police Department General Order #81, City of Canton Police Department Procedure #45 720 ILCS 5/14 1402 (h)(5), 50 ILCS 706/ 10-25 “Law Enforcement Officer-Worn Camera Act”.

**BY ORDER OF:**

**RUSSELL IDLE  
CHIEF OF POLICE**

**DATE OF ORIGINAL:**  
March 1, 2020

**LAST REVISED:**  
June 12, 2023

**LAST REVIEWED:**  
June 12, 2023