



Illinois Association of CHIEFS OF POLICE

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Senate Special Committee on Public Safety

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Subject matter: Body Worn Cameras Recommendations to Enhance Widespread Use in Illinois

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Speaking for the Illinois Association of Chiefs of Police

Background

The Law Enforcement Officer-Worn Body Camera Act was enacted in 2015 (50 ILCS 706) and supplemented by the Law Enforcement Camera Grant Act (50 ILCS 707). While the bills were being debated, the Illinois Chiefs were on record as strongly supporting the use of body cameras in Illinois. We still are.

Impact

By 2019, only about 75 police agencies reported deploying body cameras, which means that fewer than 10 percent of Illinois agencies were doing so. We know from surveys and feedback that many more chiefs would like their officers to wear body cameras. But current Illinois law has **several obstacles** that have become, perhaps inadvertently, **impediments to widespread use** of body-worn cameras.

Benefits of camera use in Elgin Police Department

Good afternoon Chairman Sims, Chairman Peters, Chairman Slaughter and members of the committee; thank you for the opportunity to speak on this important topic and provide my personal experience as the project manager for the Elgin Police Department's body worn camera program. I have been a police officer for the City of Elgin for over 24 years and I was appointed the Police Chief a little over two years ago. Before I begin I wish to state first and foremost that the Illinois Chiefs support the use of body cameras, but allowing for changes in the law can remove obstacles that have caused many departments not to utilize this valuable tool.

The Elgin Police Department is comprised of 184 sworn law enforcement officers and additional 89 civilian staff, some of who were key individuals in the success of our body worn camera program. Implementing our body worn camera program was a process that started in April of 2015 and ended in June of 2017 with full deployment of the cameras. The cameras have enhanced our community policing philosophy, provided a constant feedback loop for training, program development and policy enhancement, along with providing one of many mechanisms in place that enhance transparency to our

community by capturing evidence in the event of a crime, police-citizen interactions, or a use-of-force incident.

It is important to mention that law enforcement agencies will need to weigh the competing concerns and benefits of a body worn camera program and make informed decisions about what their community expects and how agencies will meet those expectations. Body worn cameras can provide a documented, firsthand perspective of what was said and what actions were taken in a police/citizen encounter; however, it is imperative to recognize that body worn cameras are fallible and are prone to both human and technological failure. It is also important to be mindful that the cameras will not solely resolve complicated issues such as trust between a law enforcement agency and its community. Body worn cameras should be viewed as another resource to utilize in this equation, but complicated issues such as trust between a law enforcement agency and the community must be built and reinforced each day through various outreach and engagement efforts, transparency mechanisms and accountability. Body worn cameras can be part of the foundation to trust building and should be viewed as a valuable resource.

The cost of implementing a program can be a significant barrier for some law enforcement agencies. We applied for and received a grant from the Bureau of Justice Administration to help fund the initial cost of \$500,000 which covered a two-year period for storage and equipment. Each year the city pays over \$170,000 in body worn camera video storage costs. These costs are a substantial part of a law enforcement agency's body worn camera program and should be considered in providing funding opportunities for initial costs and yearly costs. There are also costs that are associated with the numerous moving parts of implementing a body worn camera program that we experienced that included policy development, policy revision, community outreach with the purpose of education and gathering input as to concerns and needs of the community, testing, procurement processes, grant fulfillment requirements, building infrastructure for the cameras and other technological needs, and finally conducting training for officers. For some law enforcement agencies these hidden costs can be a significant barrier if they lack the additional personnel who are skilled in these areas or can support the proper infrastructure to ensure the program is effective.

Stakeholders such as the agencies officers, state's attorneys, legal departments and personnel who are needed to fulfill FOIA requests in a timely and efficient manner are also key components to a successful program. For example, when implementing our program we incurred the costs associated with training and licensing for the state's attorney's office to have access to the camera footage. There was also a recognition that as we implemented this technology it would have consequences for the internal process of their office. This also required personnel at the police department to be available during the implementation phase and beyond. This experience is not unique to Elgin and provides an example to how stakeholder buy-in may be hindered when these organizations have to incur costs or change internal processes.

In the Elgin Police Department's experience, the body worn cameras have aided in investigations, documented interactions between our community and officers, assisted with case resolutions, assisted with civil litigation, resolved citizen complaints and have provided the ability to enhance the department's training programs and evaluate officer performance. The Elgin Police Department was fortunate in receiving grant funding, support from all stakeholders and in possessing a budget capable of supporting the costs incurred with the program. However, each law enforcement agency will have a different experience and it is imperative that barriers that currently exist are removed to ensure an agency can successfully implement a body worn camera.

A law enforcement agency whose values reflect accountability and transparency may be hindered in implementing cameras, but by no fault of their own. Resources such as funding, proper infrastructure, and personnel may not be available. Departments will also need to find a balance between managing citizen's expectations with the limitations and capabilities of body worn cameras. The cameras can provide more information about what happened during an encounter but may not provide all the information needed for

a final resolution. The information provided from body worn cameras should be considered with all other factors to include victim and witness testimony and physical evidence.

In summary, the limitations that cameras have do not outweigh the indisputable benefits that they can provide a law enforcement agency and a community. The identified barriers such as funding, ongoing maintenance, data storage, personnel tasked with FOIA requests and other requests, resources, internal support at each agency, and infrastructure, however, must be addressed before moving forward. These limitations can be overcome with thoughtful and cooperative efforts by law enforcement, the community and legislative bodies.

Recommendations to increase use of body-worn cameras

1. FOIA and redaction concerns

The Illinois Chiefs understand the importance of transparency and accountability and support the release of video recordings. We recommend the following:

- In responding to a FOIA request, release the video only of those officer(s) primarily involved in the incident that was recorded. Other officers might be on the scene as backup, to provide crowd control, or to direct traffic, for example. To review and redact video from all officers on the scene can be overly burdensome.
- Clarify the law so that only “flagged events” are available via FOIA.

OR, allow any video to be released unredacted unless the video contains sensitive information or material, in which case there would be some redaction or no release of the video at all.

- Clarify who can request the video via FOIA. We recommend only the subject of the video (not just a subject who may be captured in the video who has no involvement) not his or her attorney. The FOIA process should not circumvent discovery.
- Eliminate most of the redaction requirements. This is time consuming and expensive, and any citizen with a smartphone can video the same event and share it via social media without any redactions.

2. Cost of storage

As more cameras are deployed, the ongoing cost of storage and maintenance is significant and increasing, even when storage is cloud based. Mid-sized cities with 200 or 300 officers are paying close to \$200,000 annually just for storage. We recommend expanding the camera grant program significantly to cover the cost of maintenance and storage in addition to the purchase of cameras, and/or to provide significant state funding for this purpose. The \$2 million allocated in the Camera Grant Act should be increased to support implementation costs for agencies and should be reviewed annually.

3. Annual reporting requirement

We recommend amending the requirement regarding an annual report to the Illinois Law Enforcement Training and Standards Board about the use of body-worn cameras, specifically the requirement on how the video is used by state’s attorneys in prosecution, and the outcomes of those cases. We recommend limiting the annual report to how many body worn cameras are in an agency, the manner

in which they are deployed, and the costs associated with the cameras to include implementation, maintenance, and on-going yearly costs.

4. Modify certain language, definitions, and process related items (more detail about these suggestions can be available as the Illinois Chiefs are currently in the process of reviewing specific suggestions)
 - a. Modify some definitions, such as “in uniform” and “law-enforcement related encounters or activities.”
 - b. Eliminate or modify certain notices and exceptions as it relates to reasonable expectations of privacy, when the video can be requested to be turned off, and when the camera must be turned off.
 - c. Allow deletion by supervisors (not the officer) of accidental recordings that are clearly not official police business. Examples: restroom visits, child accidentally turns on camera, personal conversations with family. Provide documentation of such deletions.
 - d. Add that officers (other than the recording officer) can view footage when appropriate and necessary; for example, field training officers can view the videos of their trainees and that this does not have to be documented in any report.