



NAPERVILLE POLICE

GENERAL ORDER

SUBJECT: BODY WORN CAMERAS

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Purpose:

This order established the policy and guidelines for the use, management, storage, and retrieval of audio-visual media recorded by the body worn camera system. The system is used to provide an objective account of events (simultaneously creating a video and audio records) when officers engage in citizen contacts.

Policy:

It is the policy of the Naperville Police Department to provide designated police staff with body worn cameras. The police 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 police 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. 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.

Definitions: (50 ILCS 706/10-10)

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

Body Worn Camera (BWC) Administrator: Designated employee, appointed by the Chief of Police, who is responsible for oversight of the police department's body worn camera program.

Body Worn Camera (BWC) Coordinator: Commander, appointed by the Chief of Police, who is responsible for the day to day functions of the police department's body worn camera program.

Buffering Mode: The device feature for which the camera continuously video records and holds the most recent 60 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.

Critical Incident: An occurrence or event, natural or human-caused, which requires an emergency response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, wild land or urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornados, tropical storms, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response, such as major planned events and law enforcement incidents.

Event Mode: When the event button on the body worn camera is activated and the camera is recording both audio and video for up to ten hours. The buffered video, not audio, captured directly before the event will be saved and attached to the event's permanent memory.

In Uniform: Pursuant to the Law Enforcement Officer-Worn Body Camera Act, 50 ILCS 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.

Law Enforcement Officer: or "Officer" means any person employed by a State, county, municipality, special district, college, unit of government, or any other entity authorized by law to employ peace officers or exercise police authority and who is primarily responsible for the prevention or detection of crime and the enforcement of the laws of the State.

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, non-community caretaking interactions or a consensual encounter 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.*

Live Stream: The ability to access the camera in real-time and view what the officer is seeing through the officer's BWC when it is activated.

ORDER:

41.26.1 Objectives of the Body Worn Camera Program

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

41.26.2 Training Prior To Use of Body Worn Cameras

- A. Prior to being assigned a body camera, all affected personnel 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. Additional training may be required at periodic intervals for personnel displaying substandard performance in the use of the BWC or when there has been a change in the procedure.
- C. Recordings may be used for the purposes of instruction, training, or ensuring compliance with agency policies. Personnel who become aware of a recording that may be of beneficial training use 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 41.26.10 for more information.
- D. Requests from an outside agency for BWC footage, for the purpose of training, shall be forwarded to the BWC administrator for approval.

41.26.3 Requirements at Beginning and End of Shift

- A. 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.
- B. Officers shall also inspect the body of the camera and associated equipment to look 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 employee's supervisor.
- C. Officers shall only use department approved mounts.
- D. Officers shall wear the BWC on the outermost garment to ensure the camera is not blocked by clothing or accessories. The BWC lens can be no further than 4" from the centerline of the officer's body, no higher than the base of the sternum, and no lower than the beltline.
- E. At the end of their shift, officers shall return the BWC to the docking station for uploading. The camera shall remain at the docking station until the officer's next shift. Officers are not authorized to bring the camera home, unless he/she falls under Section F or G. If the camera was damaged during the officer's tour of duty, the officer shall bring it to the attention of his/her supervisor as soon as possible.
- F. Officers who are assigned a take home vehicle, such as those assigned to Administration and the K9 Unit are permitted to take home their BWC.
 1. Before taking the camera home, these officers must upload their recordings using the docking station.
 2. In instances where this protocol is not practical, the officer shall ensure that any significant recordings are downloaded.
- G. Officers 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.
 1. Upon completion of the detail assignment, officers shall return the BWC to the docking station at the completion their next scheduled shift. However, officers shall ensure that the BWC has enough battery life to record his/her next shift. In instances where the BWC does not have sufficient battery life, the officer is responsible for checking out a spare BWC prior to starting his/her shift.
 2. This exception does not apply when the officer will be off for an extended period of time or when there is a significant recording. In those instances, officers must return the BWC to the docking station.

41.26.4 Operational Guidelines

- A. Cameras must be turned on at all times when the officer is in uniform and is responding to calls for service or engaged in any law enforcement-related encounter or activity, that occurs while the officer is on duty.
 1. If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practical.
 2. Officer-worn body cameras may be turned off when the officer is inside of a patrol car which is equipped with a functioning in-car camera; however, the officer must turn on the camera upon exiting the patrol vehicle for law enforcement-related encounters.
 3. Exceptions to recording:
 - a. During any court-related matter including, but not limited to, pre-trial conferences, depositions, or any other activity in the court room.
 - b. During any community presentations or meetings.
 - c. During regular community contacts.
 - d. During report writing (preparation of other court related documents).

- B. Cameras must be turned off when:
 1. The victim of a crime requests that the camera be turned off, and unless impractical or impossible, that request is made on the recording;
 2. A witness of a crime or a community member who wishes to report a crime requests that the camera be turned off, and unless impractical or impossible that request is made on the recording; or
 3. The officer is interacting with a confidential informant used by the law enforcement agency.
- C. Officers may continue to record or resume recording a victim or a witness if exigent circumstances exist, or if the officer has reasonable articulable suspicion that a victim, witness, or confidential informant has committed or is in the process of committing a crime. Under these circumstances, and unless impractical or impossible, the officer must indicate on the recording the reason for continuing to record despite the request of the victim or witness.
- D. BWC are equipped with a mute function that allows officers to silence the audio recording while the video still records. Officers shall not mute the audio recording during any contact with a member of the public, unless such contact is of the nature that an officer is discussing the possibility of the individual becoming a confidential informant. The officer shall narrate the reason for the muting of the audio.
- E. Officers will not stop recording audio and video until the event/incident is complete or as outlined below:
 1. For purposes of this order, an incident is considered complete when a reasonable and prudent person would consider the recording to have concluded at a logical point.
 2. In the event of an arrest, the incident is concluded when the inventory search is completed in the intake vestibule.
- F. 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 to the provisions set forth in the Law Enforcement Officer Worn Body Camera Act.
- G. When other recording mechanisms in the Holding Facility are not in use, the officer's BWC shall be on recording mode when the Miranda Warning is being provided to the person in custody.
- H. If the officer fails to activate the BWC to event mode, does not record the entire incident, or interrupts the recording for any reason, the officer shall document why this occurred in the officer's police report.
- I. Officers should indicate notable timeline events in the police report narrative when recordings were made during an incident.
- J. There may be situations when an officer is in uniform without a BWC. This may occur when the officer's contact with the public is generally business or ceremonial in nature with no expectation of responding to calls for service. These officers may encounter a situation that unexpectedly requires him/her to undertake actions in a law enforcement capacity; the reason for not having a BWC recording shall be documented in the police report.
- K. During the course of their official duties, school resource officers shall adhere to the provisions set forth in this policy in addition to any established agreement with School Districts 203 and 204.
- L. While taking a complaint or a possible complaint against an employee, the BWC shall be in recording mode unless the interview room technology is being used to record the interaction.
- M. Officers shall ensure video recordings are properly categorized based on the classifications established within the system.

41.26.5 Reasonable Privacy Expectations (50 ILCS 706/10-20 (4))

- 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.
- B. 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.
 1. Once the initial notice has been provided, the notice requirement has been satisfied, even when another individual becomes a party to the communication.

- C. 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.
- D. If an officer is uncertain as to whether a reasonable expectation of privacy exists, the officer shall provide the aforementioned verbal notice.
- E. Reasonable expectations of privacy exist in the following points, unless the officer is responding to calls for service or engaged in any law enforcement-related encounter or activity:
 - 1. Locations where a reasonable expectation of privacy exists, such as a dressing room, restroom, unless required for capturing evidence.
 - 2. The incident involves sensitive exposures of private body parts, unless required for capturing evidence. When footage is needed for the purpose of capturing evidence, whenever possible, the recording officer shall be of the same sex as the victim. If the victim self-identifies with a sex that is different from his/her assigned sex, the officer shall inquire whether the victim has a preference as to the sex of the recording officer.
 - 3. Personal activities or other department members during routine, non-enforcement related activities. (locker rooms, break rooms, restrooms, completing police reports, case discussions with personnel).
 - 4. During any court related matter including, but not limited to, pre-trial conferences, depositions, or any other activity in the courtroom.

41.26.6 Accidental Recordings and Deletion

- A. In the event of an accidental activation of the BWC during non-enforcement or non-investigative activities or in a situation where a reasonable expectation of privacy exists, officers may submit a Body Worn Camera Recording Deletion Request Form. Said form shall be forwarded to the officer's supervisor.
- B. Approved requests shall be forwarded to the BWC Administrator for review and approval. Recordings deemed by the administrator to hold no official purpose shall be deleted. Deletions shall be made by the BWC Coordinator upon approval of the BWC Administrator.
- C. The BWC Coordinator shall maintain all completed BWC Recording Deletion Request Forms (See Attachment A).

41.26.7 Viewing/Review of Body Worn Camera Recordings (50 ILCS 706/10-20 (6))

- A. The recording officer and his or her supervisor of the recording officer may access and review recordings prior to completing incident reports or other documentation, provided that the supervisor discloses that fact in the report or documentation.
 - 1. A law enforcement officer shall not have access to or review his or her body-worn camera recordings or the body-worn camera recordings of another officer prior to completing incident reports or other documentation when the officer:
 - a. has been involved in or is a witness to an officer-involved shooting, use of deadly force incident, or use of force incidents resulting in great bodily harm.
 - b. is ordered to write a report in response to or during the investigation of a misconduct complaint against the officer.
 - 2. If the officer subject to subparagraph (a) prepares a report, any report shall be prepared without viewing body-worn camera recordings, and subject to supervisor's approval, officers may file amendatory reports after viewing body-worn camera recordings. Supplemental reports under this provision shall also contain documentation regarding access to the video footage.
- B. The recording officer's assigned field training officer may access and review recordings for training purposes. Any investigative personnel directly involved in the investigation of a matter may access and review recordings which pertain to that investigation but may not have access to delete or alter such recordings.
- C. Officers have the discretion to determine if the circumstances warrant a review by a citizen, such as identifying the suspect in the footage. 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.

- D. Certain designated employees have the ability to live stream the officer's video in real-time. Live streaming will only be performed by a Telecommunicator, Sergeant, Commander, Deputy Chief, Chief, or designee appointed by the Chief and will only be used in the following circumstances:
1. During a critical incident
 2. Officer needs assistance request
 3. Officer not responding to status checks

41.26.8 Uploading and Categorization

- A. All BWC recordings may be considered as evidence.
- B. The BWC system will be placed in the docking station at the end of each shift. The recordings will be stored and accessible to authorized employees via cloud storage, which is a secure, web-based digital media storage facility. See section 41.26.3 for protocol pertaining to officers having a take home vehicle or those having a detail assignment.

41.26.9 Retention, Redaction and Public Requests for Recordings (50 ILCS 706/10-20 (7-8))

- A. Recordings made on officer-worn cameras must be retained by the law enforcement agency or by the camera vendor used by the agency, on a recording medium, for a period of 90 days.
1. Under no circumstances shall any recording, except for a non-law enforcement related activity or encounter, made with an officer-worn body camera be altered, erased, or destroyed prior to the expiration of the 90-day storage period. In the event any recording made with an officer-worn body camera is altered, erased, or destroyed prior to the expiration of the 90-day storage period, the law enforcement agency shall maintain, for a period of one year, a written record including:
 - a. the name of the individual who made such alteration, erasure, or destruction, and
 - b. the reason for any such alteration, erasure, or destruction.
 2. Following the 90-day storage period, any and all recordings made with an officer-worn body camera must be destroyed, unless any encounter captured on the recording has been flagged. An encounter is deemed to be flagged when:
 - a. a formal or informal complaint has been filed;
 - b. the officer discharged his or her firearm or used force during the encounter;
 - c. death or great bodily harm occurred to any person in the recording;
 - d. the encounter resulted in a detention or an arrest, excluding traffic stops which resulted in only a minor traffic or business offense;
 - e. the officer is the subject of an internal investigation or otherwise being investigated for possible misconduct;
 - f. the supervisor of the officer, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution, or;
 - g. the recording officer requests that the video be flagged for official purposes related to his or her official duties.
 3. Under no circumstances shall any recording made with an officer-worn body camera relating to a flagged encounter be altered or destroyed prior to two (2) years after the recording was flagged. 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.
- B. Following the 90-day storage period, recordings may be retained if a supervisor at the law enforcement agency 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.
- C. Employees may request a copy of a recording by completing the BWC Recording Request Form (See Attachment B), to be approved by his/her supervisor, and forwarded to the Records Division. Completed forms shall be maintained by the Records Division.

- E. All recorded media, images and audio from the BWC are property of the Naperville Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.
- F. Unauthorized use, edits, deletions, duplication, and/or distribution of BWC files are prohibited. Employees shall not make copies of any BWC file for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record BWC files.
- G. Any outside law-enforcement agency or judicial request for BWC footage designated as evidence shall be coordinated by authorized records division personnel or a sworn supervisor.
- H. The Freedom of Information protocol established in the Law Enforcement Officer Body Worn Camera Act shall be followed when reviewing public requests for information.

41.26.10 Supervisor Responsibility

- A. Supervisors shall ensure officers equipped with BWC utilize them in accordance with policy and training.
- B. Commanders shall ensure BWC video reviews for the work groups under their command are reviewed no less than quarterly. The purpose of this review is to ensure equipment is operating properly and officers are using the BWC appropriately and in accordance with this policy and training.
 - 1. A quarterly review of two videos per officer per quarter will be conducted by supervisors.
 - 2. Supervisors shall notify officers when their recordings are randomly selected and follow the protocol established in the training bulletin that describes process for BWC quarterly review.
 - 3. The selection of recordings will be conducted in a manner that promotes an equitable review of recordings from all officers.
 - 4. Supervisors shall document their quarterly review of BWC in the Make Note application.
 - 5. 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.
 - 6. If policy violations are observed by a supervisor, such policy violations shall be treated on a basis which neither enhances nor diminishes any potential discipline.
- C. Recordings shall not be used to discipline law enforcement officers unless: **(50 ILCS 706/10-20 (9))**
 - 1. A formal or informal complaint of misconduct has been made.
 - 2. A use of force incident has occurred.
 - 3. The encounter on the recording could result in a formal investigation under the Uniform Peace Officer's Act. The Uniform Peace Officer's Disciplinary Act defines a formal investigation as the process of investigation ordered by a commanding officer during which the questioning of an officer is intended to gather evidence of misconduct which may be the basis for filing charges seeking his or her removal, discharge or suspension in excess of three days.
 - 4. As corroboration or other evidence of misconduct.

41.26.11 Responsibilities of the Body-Worn Camera Administrator and Body-Worn Camera Coordinator (50 ILCS 706/10-20 (10))

- A. The Body-Worn Camera Administrator shall be responsible for:
 - 1. Oversight of the department's BWC program.
 - 2. Ensuring reporting is completed.
 - 3. Annual review of law and policy updates.
 - 4. Oversight and facilitation of system changes.
- B. The Body-Worn Camera Coordinator shall be responsible for:
 - 1. Assigning BWCs to officers who have completed the approved training.
 - 2. Maintaining a record of assigned BWCs, to include the transfer of the unit to another officer, and related equipment.
 - 3. Maintenance and troubleshooting of BWCs and related equipment.
 - 4. Arranging for the warranty and non-warranty repair of units; maintaining repair records.
 - 5. Updating software and system settings as necessary.

41.26.12 Public Recording of Law Enforcement (50 ILCS 706/10-20 (11))

- A. No officer may hinder or prohibit any person recording a law enforcement officer in the performance of his/her duties in a public place or in a circumstance where the officer has no reasonable expectation of privacy.
- B. 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;
- C. 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.

41.26.13 Reporting (50 ILCS 706/10-25)

On or before May 1 of each year, the police department shall provide an annual report to The Illinois Law Enforcement Training and Standard Board. The report shall include:

- A. A brief overview of the makeup of the agency, to include the number of officers using a BWC.
- B. The number of BWCs used by the department;
- C. Technical issues with the equipment and how the issues were remedied.
- D. Brief description of the review process used by supervisors.
- E. For each recording used in the prosecution of conservation, criminal, or traffic offenses or municipal ordinance violations:
 - 1. The time, date, location of the incident.
 - 2. The offense charged, and the date charges were filed.
- F. Any other relevant information pertaining to the administration of the BWC program.

41.26.14 Annual Review

The BWC Administrator shall conduct a documented annual review of the Body Worn Camera Program, along with the procedures established in this policy. The purpose of this review is to determine if there are any training concerns, court decisions, or technological changes that warrant changes to department practices and the procedures established in this policy.

Viewing/Review of Body Worn Camera Recordings – Guidelines for deadly use of force incidents

If the officer subject to 41.26.7, Section A.1.a. prepares a report, any report shall be prepared without viewing body-worn camera recordings, and subject to supervisor's approval, officers may file amendatory reports after viewing body-worn camera recordings. Supplemental reports under this provision shall also contain documentation regarding access to the video footage.

It will be the policy of the Naperville Police Department that if the officer subject to 41.26.7, Section A.1.a. wishes to view body-worn camera recordings, the following information should be contained within their initial report:

1. Date and time of incident
2. Location of incident
3. Initial dispatch information
4. The involved officer's response and arrival to the incident
5. The involved officer's response which resulted in the use of force or officer involved shooting
6. Completion of the Response to Resistance form with the officer's attorney and/or supervisor
7. Documentation that the initial report was completed prior to viewing any body-worn camera recordings of the incident.

Example: On January 1, 2021 at approximately 1400 hours I, Officer John Doe #1234, was dispatched to 123 Main St., Naperville, Du Page or Will County, IL for the report of a physical domestic (add any pertinent details from the dispatch). After I arrived, the incident resulted in the use of deadly force. See the attached Response to Resistance (RTR) form. This report was completed prior to viewing any body-worn camera recordings of the incident. I have nothing further at this time.