

DEKALB POLICE DEPARTMENT

Subject: **Mobile Video & Audio Recording**

Policy #: **304.3**

Effective Since: 8-21-03; revised 12-1-12 & 1-1-16

Originally Issued As: General Order # 44 of 5-8-01

Current Revision Effective: 1-1-19

FTO Training Task: # 12

Reference Material: 720 ILCS 5/14

ILEAP Standards Covered: OPR.01.11

**Page 1 of 6**

**PURPOSE:** It is the purpose of this policy to provide officers with guidelines for the use of mobile video and audio recording equipment.

**POLICY:** Mobile video/audio recording (MVR) equipment has been demonstrated to be of value in the prosecution of traffic violations and related offenses, in evaluation of officer performance, as well as in training. In order to maximize the utility of this equipment in these and related areas, officers shall follow the procedures for MVR equipment use as set forth in this policy.

**DEFINITIONS:** Mobile video/audio recording-abbreviated to MVR

**PROCEDURES:**

- A. **Program Objectives :** This agency has adopted the use of in-car video/audio recording systems in order to accomplish several objectives, including:
  - 1. Accurate documentation of events, actions, conditions and critical incidents, to enhance officer reports, collection of evidence and testimony in court; and
  - 2. The enhancement of this agency's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, as well as for officer evaluation and training.
- B. **Operating Procedures :** Officers shall adhere to the following procedures when utilizing MVR equipment. Officers assigned to a vehicle equipped with an MVR **shall** use the audio and video equipment on every traffic stop, for the entire duration of the stop. [ILEAP OPR.01.11(a)]
  - 1. MVR equipment installed in vehicles is the responsibility of the officer assigned to that vehicle and will be maintained according to manufacturer's recommendations.
  - 2. Prior to using their assigned vehicle on a tour of duty, officers shall determine whether their MVR equipment is working satisfactorily. This is accomplished by launching the software, testing the system, properly aiming the cameras, and synchronizing the microphone.
  - 3. The officer shall bring any problems at this or other times to the attention of the on-duty supervisor as soon as possible. If the supervisor is unable to correct the problem, the officer or supervisor should notify a Support Division Commander or designated MVR maintenance employee of the problem.
  - 4. If the audio system is not working, the video recording can still be performed. However, if the video system is not working, audio recording cannot be performed. **Audio recording MUST always be performed simultaneously with video recording**, unless express consent from all parties has been given.
  - 5. MVR equipment shall be activated manually by the officer or automatically when the vehicle's emergency warning devices are in operation. The video recording equipment shall not be manually deactivated when the emergency warning lights are activated for the purposes of a detention.
  - 6. When possible, officers should ensure that MVR equipment is operating in order to record traffic stops or other enforcement actions. In so doing, they will ensure that:
    - a. The video cameras are properly positioned and adjusted to record events;
    - b. The MVR is not deactivated until the enforcement action and prisoner transport is completed;
    - c. Their wireless microphone is synchronized and activated in order to provide narration with the video recording to document the reason for their current or planned enforcement action.
  - 7. Where possible, officers shall also use their MVR equipment to record:

DEKALB POLICE DEPARTMENT

Subject: **Mobile Video & Audio Recording**

Policy #: **304.3**

Effective Since: 8-21-03; revised 12-1-12 & 1-1-16

Originally Issued As: General Order # 44 of 5-8-01

Current Revision Effective: 1-1-19

FTO Training Task: # 12

Reference Material: 720 ILCS 5/14

ILEAP Standards Covered: OPR.01.11

**Page 2 of 6**

- a. The actions of suspects during interviews, when undergoing sobriety checks, when placed in custody, and when transported.
- b. The circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.
8. **Officers are expressly forbidden to tamper with the MVR system or modify it in such a way that it does not record activities as required in this policy.**
9. **Officers should be familiar with 720 ILCS 5/14, Eavesdropping :**
  - a. Recordings made simultaneously with an in-car video camera recording of an oral conversation between a uniformed peace officer, who has identified his or her office, and a person in the presence of the peace officer whenever an officer assigned a patrol vehicle is conducting an enforcement stop; or patrol vehicle emergency lights are activated or would otherwise be activated if not for the need to conceal the presence of law enforcement, are exempt from the Eavesdropping statute. [720 ILCS 5/14-3(h)].
  - b. For the purpose of this policy, both marked and unmarked squad cars with external or internal emergency lighting and sirens will be considered "Patrol Vehicles".
  - c. For the purpose of this policy, "Enforcement Stop" means an action by a law enforcement officer in relation to enforcement and investigation duties, including but not limited to, traffic stops, pedestrian stops, abandoned vehicle contacts, motorist assists, commercial motor vehicle stops, roadside safety checks, requests for identification, or responses to requests for emergency assistance.
  - d. For the purpose of this policy, an officer dressed in apparel approved by the Police Department is deemed to be a "Uniformed Officer", provided that the officer's badge, firearm, or other Police identification such as a shirt, jacket, outside vest carrier, or other clothing item with a police patch, badge emblem, or lettering spelling "POLICE" is displayed and clearly visible
  - e. Recording of utterances made by a person while in the presence of a uniformed peace officer and while an occupant of a police vehicle including, but not limited to, (i) recordings made simultaneously with the use of an in-car video camera and (ii) recordings made in the presence of the peace officer utilizing video or audio systems, or both, are exempt from the Eavesdropping statute. [720 ILCS 5/14-3(h-5)].
  - f. An officer shall activate the mobile video/audio recording process before the officer transports the suspect for incarceration.
  - g. An officer may always record upon receiving the consent of all parties.
  - h. An officer may make a video recording at any time where legally present without violating the Eavesdropping statute as long as there is no audio recording of any oral conversation.
  - i. If an officer violates the Eavesdropping statute, any evidence obtained will be inadmissible in any proceeding, civil or criminal, **except** for the purpose of proving a violation of the Eavesdropping statute by the officer. (720 ILCS 5/14-5)
  - j. Actual and punitive damages may be assessed against a person who violates the Eavesdropping statute. (720 ILCS 5/14-6)
10. Officers needing video retained for evidentiary purposes should e-mail a request to a Support Division supervisor or designated MVR maintenance employee.
11. Officers are encouraged to inform their supervisor of any video-recorded sequences that may be of value for training purposes.
12. Officers will note in case or accident reports when video/audio recordings were made for evidentiary purposes during the incident in question.

DEKALB POLICE DEPARTMENT

Subject: **Mobile Video & Audio Recording**

Policy #: **304.3**

Effective Since: 8-21-03; revised 12-1-12 & 1-1-16

Originally Issued As: General Order # 44 of 5-8-01

Current Revision Effective: 1-1-19

FTO Training Task: # 12

Reference Material: 720 ILCS 5/14

ILEAP Standards Covered: OPR.01.11

**Page 3 of 6**

13. Officers shall make every effort to stop the video recording process and classify the recording type in a timely manner once all enforcement related activity related to the recording is finished and circumstances allow for the officer to safely do so.
14. **Arrest video must be retained:** Pursuant to state statute, video of custodial arrests must be retained until after the case is disposed of and a judge orders the video to be destroyed. It is the responsibility of the State's Attorney's office to send video requests to the Records Division on arrest reports. [720 ILCS 5/14-3(h-15)]
15. MVRs are not to be used to intentionally record things other than for police business.

Subject: **Mobile Video & Audio Recording**

Policy #: **304.3**

Effective Since: 8-21-03; revised 12-1-12 & 1-1-16

Originally Issued As: General Order # 44 of 5-8-01

Current Revision Effective: 1-1-19

FTO Training Task: # 12

Reference Material: 720 ILCS 5/14

ILEAP Standards Covered: OPR.01.11

**Page 4 of 6**

**C. Procedures for Recording the Intoxicated or Dangerous Driver :**

1. When an officer observes an indicator of improper driving and the officer has made the decision to start an investigation of the violator, the officer shall turn on the MVR and articulate the initial traffic violation observed, thus starting the process of building reasonable suspicion. This articulation should continue through the entire taping process, including the field sobriety testing, arrest, search, and securing of the prisoner.
2. The officer should verbalize for the video recorder any traffic violations that are occurring as they occur. Officers should not follow a vehicle longer than needed to establish reasonable suspicion for the traffic stop, with all indicators of intoxication being articulated for the MVR.
3. The suspect's vehicle should be stopped in a location that is as safe as possible for both the suspect and the officer. The officer's vehicle should be approximately two car-lengths behind the suspect's vehicle in order to create an adequate distance for recording. If optimum positioning is not possible, the officer should adjust the camera prior to exiting the vehicle to achieve the best possible picture.
4. Optimum lighting at night should be used whenever possible. Low-beam headlights should be used at a minimum. If the patrol vehicle is equipped with take-down lights, they may be used. Officers should be aware that objects in the direct beam of a spotlight may appear washed out in the video. Also, the flashing wig-wag headlights may distort some images and should be turned off when possible during video recording.
5. Field sobriety tests should not be conducted between the suspect and officer's vehicle or on the driver's side of the vehicle if other traffic is present. The officer may adjust the camera to record an arena of performance on the roadway shoulder or other nearby suitable surface.

**D. MVR Recording Control and Management :**

1. The department's current MVR recording device operates on a wireless system. The squad car video system records to an SD card in the base of the unit that wirelessly downloads to a secure police department server when the squad car is in the vicinity of the police department. The recordings are automatically backed up and secured by the server. The only time permanent hard copies are made of any recording is:
    - a. At the request of a supervisor or officer needing it for official purposes;
    - b. The request of the State's Attorney's office in arrest cases;
    - c. In response to a legal subpoena;
    - d. In response to an applicable FOIA request.
  2. MVR recordings containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safeguarded as other forms of evidence. As such, these recordings will:
    - a. Be subject to security restrictions and chain of evidence safeguards.
    - b. Not be released to another criminal justice agency for trial or other reasons without having a permanent copy on file. A subpoena will be required for the officer to take the recording to court unless a notice is received by the States Attorney Office to bring case-related evidence to court; and
    - c. Will not be released to other than bona fide criminal justice agencies without prior approval of a Support Division Supervisor.
- [ILEAP OPR.01.11(b)]

DEKALB POLICE DEPARTMENT

Subject: **Mobile Video & Audio Recording**

Policy #: **304.3**

Effective Since: 8-21-03; revised 12-1-12 & 1-1-16

Originally Issued As: General Order # 44 of 5-8-01

Current Revision Effective: 1-1-19

FTO Training Task: # 12

Reference Material: 720 ILCS 5/14

ILEAP Standards Covered: OPR.01.11

**Page 5 of 6**

3. Recordings not scheduled for court proceedings or other adversarial or departmental uses shall be maintained securely for a minimum of 90 days or as otherwise required by the ILCS. [OPR.02.01(c)]
4. If an officer feels that a recording should be saved for administrative review, such as for training or possible citizen complaint, the officer or supervisor should forward the request to a supervisor and the designated MVR maintenance employee.

DEKALB POLICE DEPARTMENT

Subject: **Mobile Video & Audio Recording**

Policy #: **304.3**

Effective Since: 8-21-03; revised 12-1-12 & 1-1-16

Originally Issued As: General Order # 44 of 5-8-01

Current Revision Effective: 1-1-19

FTO Training Task: # 12

Reference Material: 720 ILCS 5/14

ILEAP Standards Covered: OPR.01.11

**Page 6 of 6**

**Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police.**

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.