

## DEKALB POLICE DEPARTMENT

Subject: **Body Worn Cameras**  
Initial Issue, Effective: 3-1-20  
Reference Material: ILCS; IACP Research Papers  
ILEAP Standards Covered: NA

Policy #: **407.11**

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**PURPOSE:** The purpose of this policy is to provide officers with instructions on when and how to use body worn cameras, so officers reliably record their contacts with the public in accordance with the law.

**POLICY:** It is the policy of the DeKalb Police Department to initiate a pilot project to equip officers 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 capture 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:

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

**Body Worn Camera (BWC) Administrator:** Commander, 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:** Sergeant, appointed by the BWC Commander, 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 30 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.

**Community Caretaking Function:** A function unrelated to the investigation of a crime such as participating in public meetings, including but not limited to, assisting a lost child, providing death notifications, or performing well-being checks on the sick or elderly.

**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 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.

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**Docking Station** : A portable multi-ported docking station used to simultaneously recharge the body worn camera while uploading all digitally encrypted data from the device.

PROCEDURES:

**I. OBJECTIVES OF THE BODY WORN CAMERA PROGRAM**

- 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.

**II. TRAINING PRIOR TO USE OF BODY WORN CAMERAS**

- A. Prior to being assigned a body worn camera (BWC), officers 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 officers displaying a 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. Officers who are aware of a particular recording that may be used for training 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.
- D. Requests from an outside agency for BWC footage, for the purpose of training, shall be forwarded to the BWC Administrator for approval.

**III. REQUIREMENTS AT BEGINNING AND END OF SHIFT**

- A. Officers shall use reasonable care to ensure the proper functioning of BWC equipment. Officers who have received a BWC agree to maintain the BWC in a state of operational readiness. Equipment malfunctions shall be brought to the attention of their supervisor, as soon as possible, so that a replacement unit may be procured.

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- B. 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.
- C. 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.
- D. 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 when not being utilized. Officers are not authorized to bring the camera home unless expressly permitted.
- E. If the camera was damaged during the officer's tour of duty, the officer shall bring it to the attention of their supervisor as soon as possible.

### **IV. OPERATIONAL GUIDELINES**

- A. Officers are required to turn on BWC at all times when the officer is wearing their uniform, as defined herein, and is responding to calls for service or engaged in any official law enforcement related encounter or activities occurring while the officer is on duty, subject to the exceptions listed in the policy.
- B. Officers shall only utilize department issued BWC in the performance of their law enforcement related duties; exceptions may be granted by the Chief of Police or designee.
- C. The safety of the officer and public takes precedence over the recording of events.
- D. Officers have discretion as to the placement of the BWC, as approved by the department, and consistent with manufacturer recommendations.
- E. Officers shall ensure the BWC is on buffering mode during their tour of duty. This ensures that the previous 30 seconds of captured video is captured when the camera transitions to the event mode.
- F. Officers assigned a BWC shall activate the system from buffering mode to event mode to record the entire incident for all of the following:
  - 1. Routine calls for service, prior to arriving at a dispatched call or when self-initiating a response to a call.
  - 2. Emergency driving situations, when inside a squad that does not have a functioning in-car recording system. However, if the squad has a functioning in-car recording system, officers have discretion to leave their body worn camera on event mode.
  - 3. Emergency responses to in-progress or just occurred dispatches where fleeing suspects or vehicles may be captured on video leaving the crime scene.
  - 4. Execution of a search warrant, arrest warrant, or a consent search in which the officer is looking for a suspect.
  - 5. Foot and vehicle pursuits.
  - 6. High risk situations.
  - 7. If another officer is on scene during the search of a detainee, as appropriate and without sacrificing officer safety, position the search so that it is captured on the camera.
  - 8. The initial crime scene search and processing. In instances where the crime scene search and/or processing will be for an extended period of time, the camera is not required to be in recording mode. However, when the officer believes there is a reasonable likelihood of

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- engaging in any law enforcement related activity, the camera shall be in recording mode.
9. Situations where the officer reasonably believes to serve a proper purpose. For example, recording the processing of an uncooperative arrestee or through the booking process
  10. Transporting a detainee or persons not in police custody, regardless of gender. If multiple officers are transporting, all officers are required to record the incident using the BWC.
  11. Officers shall also adhere to the provisions set forth in Policy 103.3, Mobile Video Recording.
  12. Prior to arriving at a dispatched call or when self-initiating a response to a call.
- G. When exigent circumstances exist which prevent the camera from being turned on, the camera shall be turned on as soon as practicable. The circumstances shall be documented in the officer's police report.
- H. Verbal notification to the person being recorded is not required by law, except when there is a reasonable expectation of privacy. Refer to Section VI for more information on reasonable expectation of privacy.
- I. During non-custodial interviews and interrogations/custodial interviews where the officer chooses to record with the BWC and recording is not required by law, the person shall be notified that they are being recorded. Furthermore, custodial interrogations, to include subjects who were under eighteen (18) years of age during the commission of the crime, conducted in a place of detention related to the certain offenses are required to be recorded by either use of both audio and/or video recording.
- J. During the recording of an incident, officers shall not turn off the BWC until the entire incident has been recorded. In instances where case strategy is being discussed and release of the information will compromise the investigation, the camera shall remain in recording mode. However, the information will be redacted in the event 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.
- K. In the event of an arrest, the incident is concluded when the subject has been transported to the station. When other recording devices in the booking facility are not in use, the officer's camera shall be on recording mode when the Miranda Warning is being provided to the person in custody.
- L. 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.
- M. 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 verbally document, on the recording, the time, place and reason why the recording was not made or was discontinued. This shall also be documented in the officer's police report.
- N. Officers shall indicate in the police report narrative when recordings were made during the incident and follow the proper protocol to document use of body worn cameras in the records management system.
- O. 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 in nature and they are not expected to respond to calls for service. These officers may encounter a situation that unexpectedly

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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.

- P. While taking a complaint or possible complaint against an employee, the BWC shall be in recording mode.

### **V. CRITICAL INCIDENTS**

- A. Officers may encounter situations where the circumstances rise to the level of a critical incident. These situations often require a response from supervisors and/or investigative units. The following situations, but not limited to, fall under this section:
  - 1. Deadly force situations.
  - 2. Officer-involved traffic crash with fatalities or serious injuries.
  - 3. Employee sustains a serious injury or death in the line of duty.
- B. The supervisor responsible for the investigation, but not directly involved in the actual incident, shall take physical custody of the BWC that may have captured the incident.
  - 1. Pursuant to the Law Enforcement Body Worn Camera Act and in circumstances in which the officer will be completing a police report, the recording officer may access and review recordings prior to completing a police report or other documentation, provided that the officer or their supervisor discloses the fact that such video footage has been reviewed prior to writing the report.
  - 2. Officers may review footage due to ongoing exigency that may aid the present investigation.
- C. The supervisor shall, as soon as practicable, upload the recording(s) and flag the recordings to extend the retention period.
- D. Protected conversations with the appropriate counsel should not take place until the device is removed or completely powered down.

### **VI. REASONABLE PRIVACY EXPECTATIONS**

- 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. Officers are not required to give notice to the resident or others that they are being recorded.
- B. When the subject has a reasonable expectation of privacy, officers shall inform individuals that they are being audio and video recorded. Consent to continue audio recording must be obtained. Proof of the notification and consent must be evident in the recording and documented in the officer's police report.
  - 1. Once the initial notice has been provided, the notice requirement has been satisfied, even when another individual becomes a party to the communication.
  - 2. When consent is not obtained, event mode needs to be deactivated.
  - 3. If exigent circumstances exist which prevents the officer from providing the notice, notice must be given as soon as practical.
- C. A person's objection to being audio and video recorded will not be honored in situations

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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.

## **VII. WHEN TO TURN OFF THE BODY WORN CAMERA**

### **A. Officers have discretion to turn off the BWC under the following circumstances:**

1. When inside a squad that is equipped with a functioning in-car camera. When the officer exits the squad, the BWC shall be turned back on. However, during long distance transports, officers may encounter a situation that requires him/her to escort the person in custody out of the squad or the officer believes there is a propensity to come into contact with a citizen. In these instances, the transporting officer shall ensure their camera is in recording mode. If there are multiple transporting officers, all officers need to ensure their camera is in recording mode.
2. While engaged in a community caretaking function. However, the camera shall be turned on if the officer has reason to believe that the person on whose behalf the officer is performing a community caretaking function has committed or is in the process of committing a crime. If exigent circumstances exist which prevent the camera from being turned on, the camera shall be turned on soon as practicable.
3. When the person being arrested is cooperative and safely secured inside the police department when the booking facility camera system is operating. If the person becomes uncooperative or if some evidentiary purpose arises, officers should resume recording in event mode until the officer no longer has contact with the subject.

### **B. The BWC shall not record under the following circumstances:**

1. A victim of a crime, witness of a crime, informant, or community member who wishes to report a crime or a complaint against a police department employee requests that the camera be turned off and such request is made on the recording, unless impractical or impossible. However, the officer may continue to record or resume recording if exigent circumstances exist, or if the officer has reasonable articulable suspicion that the person who requests not to be recorded has committed or is in the process of committing a crime, the officer may continue to record or resume recording. Under these circumstances, unless impractical or impossible, the officer shall indicate on the recording the reason for continuing to record, despite the objection of the person being recorded.
2. The officer is interacting with a confidential informant or assisting a special division in a sensitive operation where confidentiality is imperative to the operation; approval must be sought from the appropriate supervisor.
3. Locations where a reasonable expectation of privacy exists, such as a dressing room or restroom, unless required for capturing evidence.
4. 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 gender that is different from their biological sex, the officer shall inquire whether the victim has a preference as to the gender of the recording officer.
5. Personal activities or other department members during routine, non-enforcement related activities. Examples include locker rooms, break rooms, restrooms, completing police reports, or casework or personal discussions with personnel.
6. During any court related matter, to include pre-trial conferences, depositions, or any other

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activity in the courtroom.

7. Inside medical and psychiatric facilities, except when a situation arises that the officer reasonably believes to serve a proper police purpose. Reasonable attempts shall be made to avoid recording persons other than the suspect.

- C. The surreptitious audio recording of a private conversation or when there is a reasonable expectation of privacy is prohibited by law.

**VIII. 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.

**IX. SECURITY/VIEWING OF BODY WORN CAMERA RECORDINGS**

- A. All employees should be aware that audio and video data may contain extremely sensitive and private recordings and are responsible for ensuring compliance to the information contained in this section. Furthermore, a breach in data security, careless handling of data and/or intentional release of data to non-authorized individuals may jeopardize relationships with citizens, subject victims to an invasion of privacy, jeopardize prosecutions, and endanger the safety of individuals.
- B. All recorded media, images and audio from the BWC are property of the DeKalb 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.
- C. 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.
- D. 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.
- E. The following employees, in addition to officers, have access to BWC footage:
  1. Field Training Officers for the purpose of training a new officer.
  2. Sworn supervisors for the purpose of conducting a monthly audit to ensure the BWC are being used appropriately. Refer to Section XIII, which outlines the responsibility of supervisors.
  3. Records Manager and Records Division staff members to comply with requests for video.
  4. Detectives for the purpose of reviewing evidence associated with an assigned case.

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5. BWC Administrator, BWC Coordinator, Command Staff, and Public Safety Systems Specialists for the purpose of managing BWC and related equipment.

#### **X. UPLOADING AND CATEGORIZATION**

- A. All BWC recordings may be considered to be evidence.
- B. The BWC will be placed in the docking station at the end of each shift. The recordings will be stored and accessible to authorized employees.
- C. Officers shall ensure video recordings are properly categorized.

#### **XI. RETENTION AND PUBLIC REQUESTS FOR RECORDINGS**

- A. All BWC recordings will be retained for a minimum of 90 of days from the date of the recording. However, certain situations require the recording to be flagged which extends the retention period to two years from the date the recording was flagged. Recordings shall be flagged in the following situations:
  1. A formal or informal complaint has been filed.
  2. The officer discharged their firearm or used force during the encounter.
  3. Death or great bodily harm occurred to any person in the recording.
  4. The encounter resulted in a detention or an arrest, excluding traffic stops which resulted in only a 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 officer's supervisor, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution.
  7. The recording officer requests that the video be flagged.
- B. When a flagged recording is used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed until a final disposition and order from the court.
- C. Recordings used for training purposes, following the 90-day storage retention period, may be retained for an extended period of time at the discretion of the BWC Coordinator.
- D. The freedom of information protocol established in the Law Enforcement Officer Body Worn Camera Act shall be followed when reviewing public requests for information.
- E. Employees may request a copy of a recording by completing the BWC Recording Request Form, to be approved by their supervisor, and forwarded to the Records Division. Completed forms shall be maintained by the Records Division.

#### **XII. OFFICER REVIEW OF BODY WORN CAMERA RECORDINGS**

- A. Officers make decisions based on the totality of human senses. An officer's recollection of specific details may be different than what is captured in digital evidence since BWC recordings only capture audio and video. The review of recordings can provide a cue to an officer's memory to recall more facts and greater detail of an incident.
- B. The recording officer and their supervisor may access and review recordings prior to completing the police report or other documentation, provided that the officer or their



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supervisor discloses that fact in the police report.

### **XIII. SUPERVISOR RESPONSIBILITY**

- A. Supervisors shall ensure officers equipped with BWC utilize them in accordance to policy and training.
- B. When a supervisor becomes aware that a recorded incident pertains to a critical incident, the supervisor shall review only those recordings necessary and relevant to their investigative scope. The supervisor is responsible for forwarding the information via the chain of command.
- C. Not less than once every 30 days, the Division Commander shall ensure an appropriate sampling of BWC recordings pertaining to the work groups under their command are reviewed. The purpose of this review is to ensure that equipment is operating properly and that officers are using the cameras appropriately and in accordance with this policy and training.
  - 1. An appropriate sampling shall be interpreted as a sufficient number of recordings that is proportionate to the number of officers assigned to the work group.
  - 2. The selection of recordings will be conducted in a manner that promotes an equitable review of recordings from all officers.
  - 3. Supervisors shall document their review using the BWC Monthly Review Form. Completed forms shall be forwarded to the BWC Administrator.
  - 4. 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.
  - 5. 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.
- D. Recordings may be reviewed to determine possible employee discipline when:
  - 1. A formal or informal complaint of misconduct has been made.
  - 2. The encounter on the recording could result in a formal investigation under the Uniform Peace Officer's Disciplinary 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.
  - 3. A use of force incident has occurred.
  - 4. As corroboration or other evidence of misconduct.
- E. Recordings shall not be used to prepare performance evaluations, unless used for the purpose of correcting substandard employee performance that was brought to the supervisor's attention or highlighting commendatory performance of an employee.

### **XIV. RESPONSIBILITIES OF THE BODY WORN CAMERA COORDINATOR**

- A. Assign BWC to officers who have completed the approved training.
- B. Maintain a record of assigned BWC, to include the transfer of the unit to another officer, and related equipment.
- C. Maintain and troubleshoot the cameras and related equipment.
- D. Arrange for the warranty and non-warranty repair of units; maintain repair records.
- E. Update software and system settings as necessary.

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**XV. PUBLIC RECORDING OF LAW ENFORCEMENT**

- A. No officer 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 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 crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.

**XVI. REPORTING**

On or before May 1 of each year, the police department shall provide an annual report to The Illinois Law Enforcement Training and Standards 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 BWC 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 date, time, and 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.
- G. 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.

**Policy becomes effective on 3-1-20 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.