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**BODY WORN CAMERAS 3.7**

**3.7.1 PURPOSE**

The purpose of this policy is to provide officers with instructions on when and how to use body worn cameras so that officers reliably record their contacts with the public in accordance with the Law Enforcement Officer-worn Body Camera Act (50 ILCS 706/10) and the SAFE-T Act Illinois House Bill (HB 3653) known as Public Act 101-0652 or similar enacted acts.

**3.7.2 POLICY**

It is the policy of the Wheaton Police Department to provide all sworn officers with body worn cameras. The 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 should facilitate professionalism, accountability, and transparency by documenting interactions with the public. The police department strives to respect all individuals' reasonable expectation of privacy, 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, feels, or experiences. The recorded images do not provide the totality of the circumstances that drives the officer's response to a particular situation.

**3.7.3 DEFINITIONS**

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

**BWC Administrator:** Administrative staff member, appointed by the Chief of Police, who is responsible for oversight of the Department's BWC 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, town halls or other community outreach events.

**Event Mode:** When the event button on the BWC is activated the camera is recording both audio and video for up to twelve hours. The buffered video, not audio, captured directly before the



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event will be saved and attached to the event's permanent memory.

**Flag:** To mark important evidence that you want to find more easily in the future. You can filter your evidence by flagged status and quickly view the flagged evidence files.

**In Uniform:** Pursuant to the Law Enforcement Officer-Worn Body Camera Act, 50 ILC 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 othensignia that he or she is a law enforcement officer acting in the course of his or her duties.

**Label:** Process of editing the evidence Title, Case ID (Event or Case Number) and Description.

**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 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.

#### **3.7.4 OBJECTIVES OF THE BODY WORN CAMERA PROGRAM**

The Wheaton 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.



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**3.7.5 PROCEDURES**

**A. Body Worn Camera - Training**

1. Prior to being assigned a BWC, all supervisors and 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.
2. Recordings may be used for training purposes, upon supervisory approval. If the recording is designated for training purposes, the recording 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.
  - a. Officers who are aware that a particular recording could be used for training should notify a supervisor who will review the recording to determine its feasibility as a training tool.
  - b. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.
3. Assigned Field Training Officers may access and review recordings marked for training purposes along with past and current recruit officers' BWC recording for training and evaluation purposes.

**B. Officer Responsibilities**

1. Officers dressed in uniform and working a shift, detail, or a special event, shall wear their assigned body camera while on duty.
2. Prior to beginning their tour of duty, 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.
3. Officers shall also inspect the body of the camera 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 officer's supervisor.



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4. Should an incident arise that requires the immediate retrieval of the recorded media (i.e. officer involved shooting or line of duty death), a supervisor, not directly involved in the incident, shall respond to the scene and retrieve the BWC(s) that may have captured the incident, and ensure the proper upload of the recorded media.
5. At the end of their shift, officers shall return the BWC to the charging receptacle for uploading. The camera shall remain at the charging receptacle until the BWC is completely uploaded unless otherwise authorized or directed by a supervisor. Officers on any special assignment including members of ILEAS special teams and MERIT shall retrieve their assigned BWC from the police department prior to deployment and shall return their assigned BWC for uploading after completion of the deployment.

**C. Activation of Body Worn Camera**

1. Officers are required to turn on their 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 related encounter or activities occurring while the officer is on duty, subject to the exceptions listed in this policy.
2. Officers shall use only Department issued BWCs.
3. The safety of the officer takes precedence over the recording of events.
4. Officers have discretion as to the placement of the BWC, as approved by the Department, and consistent with Axon recommendations.
5. Officers should ensure their BWC is on buffering mode during their tour of duty. This ensures that the capture of the previous 30 seconds of video only prior to the camera transitions to the event mode.
6. Officers shall ensure their BWC is on buffering mode upon exiting the Police Department.



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7. On-duty Officers are encouraged to dock their BWCs in the BWC charging receptacle if present in the police department building for extended periods of time (15 min or more). All officers must retrieve their BWC upon exiting the Police Department.
8. BWC officers within a 50' radius will automatically switch from Buffering Mode to Event Mode during the following:
  - a. When the officer activates the emergency lights on his/her police car.
  - b. When the officer draws his/her service pistol from their duty holster.
  - c. When the officer removes his/her patrol rifle from the squad gun rack.
9. Officers assigned a BWC shall change the system from buffering mode to event mode to record the entire incident for *all* of the following:
  - a. When involved in an emergency driving situation and the police car does not have a functioning in-car camera. If the police car has a functioning in-car camera, officers have the discretion to leave their BWC in buffering mode.
  - b. Execution of a search warrant, arrest warrant, or a consent search in which the officer is looking for a suspect.
  - c. Foot pursuits.
  - d. High-risk situations.
  - e. Any call for service.
  - f. 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 BWC is not required to be in the event mode. However, when the officer believes there is a reasonable likelihood of coming into contact with unauthorized person(s), the BWC shall be transitioned to event mode.
  - g. Situations where an officer reasonably believes it to serve a proper purpose. For example, recording the processing of an uncooperative arrestee through the booking process.
  - h. Transporting a detainee or person(s) not in custody, regardless of gender. If multiple officers are transporting, all officers are required to record the incident using their BWC.
  - i. Prior to arriving at a dispatched call or when self-initiating a response to a call.
10. Evidence Technicians processing a crime scene after the initial response by officers are not required to activate their BWC while processing the scene unless they encounter another law enforcement activity that requires the activation of the BWC.



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- 11.** Officers working a special event/extra-ordinary detail will wear their BWC in the buffering mode while working the detail. The camera will be transitioned to event mode in accordance with this department order should any law enforcement related activities occur during the detail.
- 12.** Officers assigned to a multi-jurisdictional task force (MERIT, ILEAS) and responding to an initial, in-progress call will wear their issued BWC during call-out activities in accordance with this department order.
- 13.** When exigent circumstances exist, which prevent the BWC from being turned on event mode, the BWC shall be turned on event mode as soon as practicable. The circumstances shall be documented in the officer's incident report and verbalized on the BWC when practicable.
- 14.** Officers are encouraged to provide notice to the subject being recorded unless it is unsafe to do so, or exigent circumstances exist.
  - a.** Verbal Announcement/Notice: Verbal statement by the officer indicating a body camera is recording the interaction. Example "My body camera is on; you are being recorded."
  - b.** If a person inquires as to whether a body camera is in use or whether a recording is being made, officers shall provide a prompt and truthful response.
- 15.** 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 comprise the investigation, the BWC shall remain in event mode. However, the information will be redacted in the event the recording is requested through Freedom of Information (FOIA) and will be released in accordance with the provisions set forth in the Law Enforcement Officer Worn Body Camera Act.
- 16.** If the Officer fails to activate the BWC to event mode and does not record the entire incident, or interrupts the recording for any reason, the officer shall as soon as possible follow-up with a verbal explanation on the BWC while it is in event mode,



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the time, place, and reason why the recording was not made or discontinued. This shall also be documented in the Officer's incident report.

- 17.** If an incident report is taken, the officer shall document at the beginning of the report that the incident or interaction was recorded by a body camera.
  - a.** Example, "Incident - BWC Recorded."
  
- 18.** If a BWC is reviewed prior to the writing the incident report, the officers shall document in the report that the incident or interaction was recorded by a BWC and reviewed prior to writing the report.
  - a.** Example, "Incident - BWC recorded and reviewed prior to writing report."
  
- 19.** In the event of an arrest, the incident is concluded when the subject has been transported to the Station. However, Officers have discretion to continue recording through the booking process to when the subject is placed in a cell.
  - a.** 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 with the provisions set forth in the Law Enforcement Officer Worn Body Camera Act.
  - b.** When other recording mechanisms in the Holding Facility are not in use, the Officer's BWC shall be on event mode when the Miranda warning is being provided to the person in custody.
  
- 20.** Officers will not turn off the power to their body camera during their shift or detail, except under the following conditions:
  - a.** BWCs may be turned off when the officer is inside a correctional facility which is equipped with a functioning camera system.
  - b.** Officers shall turn off the BWC during any court-related matter, to include pre-trial conferences, depositions, or any other activity in the courtroom.

**3.7.6 REASONABLE PRIVACY EXPECTATIONS**



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- 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.
  - 1.** The officer must provide notice of recording to any person if the person has a reasonable expectation of privacy (Example – hospital room, medical facility, restroom, dressing room) and proof of notice must be evident in the recording. Proof of the notification and consent must be evident in the recording and documented in the officer's incident report.
    - a.** Once the initial notice has been provided, the notice requirement has been satisfied, even when another individual becomes a party to the communication.
    - b.** When consent is not obtained, event mode shall be deactivated.
    - c.** If exigent circumstances exist which prevents the officer from providing the notice, notice must be given as soon as practical.
  
- B.** 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.
  
- C.** If an officer is uncertain as to whether a reasonable expectation of privacy exists, the officer shall provide the aforementioned verbal notice.
  
- D.** Members shall not surreptitiously record another Department member unless lawfully authorized by the Chief of Police or the authorized designee.
  
- E.** The surreptitious audio recording of private conversation or when there is reasonable expectation of privacy is prohibited by law.

**3.7.7            WHEN TO LEAVE THE BODY WORN CAMERA IN BUFFERING MODE  
(DEACTIVATE RECORDING)**

- A.** Officers have discretion to leave the BWC in buffering mode under the following circumstances:
  - 1.** When inside a police car that is equipped with a functioning in-car camera.





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- a. However, during long-distance transports, officers may encounter a situation that requires him/her to escort the person in custody out of the police car or the officer believes there is a propensity to come into contact with a citizen. In these instances, the transporting officer shall ensure their BWC is in event mode. If there are multiple transporting Officers, all officers need to ensure their BWCs are in event mode.
2. While engaged in a community caretaking function.
  - a. However, the BWC shall be in event mode 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.
  - b. If exigent circumstances exist which prevent the BWC from being turned on event mode, the BWC shall be turned on event mode as soon as practicable.
3. When the person being arrested is cooperative and safely secured inside the holding facility.
  - a. If the person becomes uncooperative or if some evidentiary purpose arises, officers shall resume recording in event mode until the officer no longer has contact with the subject.
4. When a victim of a crime, witness of a crime, informant, or community member who wishes to report a crime request that the BWC be turned to buffering mode and such request is made on the recording, unless impractical or impossible.
  - a. However, the officer may continue to record or resume recording if exigent circumstances exist, or if the officer has a reasonable articulable suspicion that the person who requests not to be recorded has committed or is in the process of committing a crime. Under these circumstances, unless impracticable or impossible, the officer shall indicate on the recording the reason for continuing to record, despite the objection of the person being recorded.
5. The officer is engaged in scene protection, monitoring a static traffic post, or other similar activity and reasonably believes there is no longer any necessity to record.

**3.7.8 PROHIBITED USE OF BODY WORN CAMERAS**



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- A.** BWCs shall not be used to record:
1. Communications with other police personnel during routine, non-enforcement related activities (report writing, case discussions with personnel inside the police facility, etc.)
  2. Communications with other police personnel during planning and tactical discussions (roll calls, incident debriefs, etc.)
  3. When an officer is on break or is otherwise engaged in personal activities (locker rooms, work outs, restrooms, break room, etc.)
  4. Encounters with undercover officers or informants.
- B.** Officers are prohibited from using department issued BWC's and recording media for personal use and from making personal copies of recordings created while on-duty or while acting in their official capacity.
- C.** Recordings shall not be used by any officer for the purpose of entertainment, embarrassment, or ridicule.
- D.** Officers who are off-duty and who take official action are not expected to be in possession of their assigned BWC.
- E.** Officers shall not edit, redact, erase, or otherwise alter in any manner BWC recordings without prior written authorization by a supervisor. Officers committing violations related to the unauthorized edits, alterations, and dissemination of this data shall be subject to disciplinary action and the provisions set forth in 720 ILCS 5/33-9.

**3.7.9 REQUIREMENTS FOR BODY WORN CAMERA USE: NON-UNIFORMED OFFICERS**

- A.** Officers assigned to Investigations, or any other non-uniformed position shall wear a body camera when they are wearing outer protective vests which identify them as police officers.
- B.** Officers assigned to Investigations, or any other non-uniformed position shall be equipped with a body camera and record the following situations:
1. An in-person interrogation, whether custodial or non-custodial, of an individual suspected of committing a crime, regardless of the location of that interrogation.



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2. A planned arrest detail.
  3. Execution of a search warrant.
  4. A uniformed detail.
  5. A uniformed patrol assignment.
  6. Any enforcement stop of a person or vehicle.
  7. Response to an any call for service.
  8. Any other law enforcement encounters as directed by a supervisor.
- C. When an interrogation that must be recorded by law or this policy takes place in a location that has other video and audio recording options, such as an interview room, that equipment may be used in lieu of the officer's body camera.
- D. Officers assigned to Investigations, or any other non-uniformed assignment may carry and use an approved body camera at any time the officer believes that such a device may be useful in recording statements from other involved parties or documenting evidence.
- E. Non-uniformed officers involved in the execution of a search warrant may deactivate the body camera recording once the scene is secure if they are not involved in an interrogation or are no longer in contact with citizens involved in the search warrant.
1. Officers are encouraged to confirm the scene is secure prior to deactivation.
- F. In instances where a 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 or investigator believes there is a reasonable likelihood of engaging in any law enforcement related activity as defined by this order, the camera shall be in recording mode.
- G. Non-uniformed officers will have their assigned body camera available to them and charged at all times.
- H. Non-uniformed officers are subject to the same requirements and restrictions as uniformed officers as outlined in this department order.

**3.7.10 UPLOADING AND CATEGORIZATION**



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- A. All BWC recordings are considered evidence.
- B. The BWC will be placed in the proper charging receptacle at the end of each shift. It will be the responsibility of each officer that is assigned a BWC to ensure the camera is properly placed in the charging receptacle and the videos are appropriately tagged and uploaded.
- C. Once the recording has been uploaded, the officer is responsible for reviewing the footage and assigning data into categories in accordance with the records management system and department policy. Officers shall ensure the following is accurately assigned to the footage:
  - 1. Title of the Recording (i.e. DUI, Traffic stop, Domestic Battery, Domestic Trouble, etc.) or the primary offense the individual was arrested for.
  - 2. Date of the incident.
  - 3. Address where the incident occurred.
  - 4. Last name and badge number of the officer who created the recording.
  - 5. The case or event number.
  - 6. The applicable retention category assignment.
- D. Officers are required to upload all body camera videos prior to the end of each tour of duty.
- E. Officers are required to correctly classify all body camera videos prior to the end of each tour of duty unless authorized by a supervisor to wait until the next day's shift. Body camera videos must be classified if the officer does not work again for more than 24 hours after the end of the shift.

**3.7.11 ACCIDENTAL RECORDINGS AND DELETIONS**

- 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 request approval for a recording to be deleted to the BWC Administrator, upon submitting a BWC Recording Deletion Request [Attachment A].
- B. Submitted deletion requests will be subject 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 Administrator.



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- C. The BWC Administrator shall maintain all completed BWC Recording Deletion Requests.

**3.7.12 REVIEW OF BODY CAMERA RECORDINGS**

- A. All data including images and sounds recorded by body cameras are the exclusive property of the Department.
- B. Personnel will not erase, alter, or make unauthorized copies of the recorded media made by body cameras..
- C. Officers and supervisors may access and review body camera recordings prior to completing incident reports or other documentation, provided that they disclose that fact in the report for documentation.
- D. Officers shall not use the fact that a body camera recording was made as justification for writing a less-detailed report.
- E. Supervisors are authorized to review relevant body cameras recording at any time to include when they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing an officer's performance.
- F. Recordings shall not be used to discipline law enforcement officers unless:
  - 1. A formal or informal complaint of misconduct has been made; or
  - 2. A use of force incident has occurred; or
  - 3. The encounter on the recording could result in a formal investigation under the Uniform Peace Officers' Disciplinary Act; or
  - 4. As corroboration of other evidence of misconduct.

**3.7.13 RETENTION REQUIREMENT FOR BODY WORN CAMERA RECORDINGS**

- A. Recordings made on BWC's shall be retained for 90 days. Under no circumstances shall any recording, except for a non-law enforcement related activity or encounter, made with an officer worn BWC 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 BWC 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:



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1. The name of the individual who made such alteration, erasure, or destruction, and
  2. The reason for any such alteration, erasure, or destruction. (50 ILCS 706-10-20)
- B.** After the 90-day storage period, recordings must be destroyed unless any of the following occur (50 ILCS 706-10-20):
1. A formal or informal complaint has been filed.
  2. The officer discharged his/her 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 arrest other than a traffic stop resulting in only a minor traffic offense or petty offense with a fine of more than \$1000.00.
  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.
7. The recording officer requires that the video be retained for official purposes related to his/her official duties.
- C.** Under the circumstances listed above, the recording of the encounter shall not be altered or destroyed for two years. If the recording is used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court. The above listed retention/storage requirements are obtained directly from the State of Illinois Law Enforcement Officer Body-worn Camera Act. (50 ILCS 706-10-20)
- D.** Recordings may be retained anytime a supervisor designates the recording for training purposes and may be viewed by officers, in the presence of a supervisor or training instructor, for the purposes of instruction, training or ensuring compliance with department policies.

**3.7.14 RELEASE OF RECORDINGS (FOIA)**

- A.** Recordings made with the use of an officer-worn body camera are not subject to disclosure under the Freedom of Information Act (FOIA), except that:
1. 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



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complaint, discharge of a firearm, use of force, arrest, or detention, or resulting death or bodily harm, shall be disclosed in accordance with FOIA if:

- a. The subject of the encounter captured on the recording is a victim or witness; and
    - b. The law enforcement agency obtains written permission of the subject or the subject's legal representative.
  2. Except as provided in paragraph **(1)** of this section, 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 in accordance with FOIA; and
  3. Upon request, the law enforcement agency shall disclose, in accordance with FOIA, the recording to the subject of the encounter captured on the recording or to the subject's attorney, or the officer or his or her legal representative.
- B.** For the purposes of paragraph **(A)(1)** of this section, the subject of the encounter does not have a reasonable expectation of privacy if the subject was arrested because of the encounter. For purposes of subparagraph **(a)** of paragraph **(1)** of this section, "witness" does not include a person who is a victim or who was arrested because of the encounter.
- C.** Only recordings or portions of recordings responsive to the request shall be available for inspection or reproduction. Any recording disclosed under FOIA shall be redacted to remove the identification of any person that appears on the recording and is not the officer, a subject of the encounter, or directly involved in the encounter. Nothing in this section shall require the disclosure of any recording or portion of any recording which would be exempt from disclosure under FOIA.
- D.** Nothing in this section shall limit access to a camera recording for the purposes of complying with the Supreme Court rules or the rules of evidence.

**3.7.15 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:



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1. Officer involved shootings
  2. In-custody deaths
  3. Officer involved traffic crash with fatalities or serious injuries
  4. Use of force incidents involving great bodily harm.
  5. Employee sustains a serious injury or death in the line of duty
- B.** Should an incident arise that requires the immediate retrieval of the recorded media, a supervisor shall respond to the scene and retrieve the body camera(s) that may have captured the incident and ensure proper upload of the recorded media. The officer(s) shall not return to duty until equipped with a fully functioning body camera.
- C.** The supervisor shall, as soon as practicable, upload the recording(s) via the docking station 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.
- E.** Pursuant to HB3653, officers shall not have access to or review their own BWC recordings or the BWCs of other officers prior to completing the initial (first) incident reports under the following circumstances:
1. Officer has been involved in or witness to an officer-involved shooting, use of deadly force, or use of force causing great bodily harm.
  2. Officer has been ordered to write a report *in response to or during* the investigation of a misconduct complaint against the officer.
- F.** Pursuant to HB3653, officers subject to paragraph (E), may file supplemental case reports after viewing their BWC recordings.
1. Supplemental reports shall contain the appropriate documentation regarding access to the video footage as directed in this order. (Example - "Incident - BWC recorded and reviewed prior to writing report.")

**3.7.16 RESPONSIBILITIES OF THE BODY WORN CAMERA ADMINISTRATOR**

The Body Worn Camera Administrator is responsible for (50 ILCS 706/10-20):





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- A. Identifying members who are assigned body-worn cameras.
- B. Identifying members permitted to access recordings to redact, label or duplicate recordings.
- C. Ensuring body-worn cameras acquired on or after July 1, 2015, are equipped with pre-event recording of least the 30 seconds prior to camera activation and are capable of recording for a period of at least 10 hours.
- D. Establishing procedures for:
  - 1. The care and maintenance of body-worn cameras, including reasonable efforts to be made by supervisors to correct or repair body-worn camera equipment upon notice from a member experiencing technical difficulties, failures, or problems with the equipment.
  - 2. Compliance with the Law Enforcement Officer-Worn Body Camera Act and guidelines established by the Illinois Law Enforcement Training and Standards Board (ILETSB) for the use of body worn cameras.
  - 3. Security of recordings including access controls.
  - 4. Redacting, labeling and duplicating recordings.
  - 5. Supervisor and member review of recordings.
- E. Providing an annual report to the ILETSB pursuant to 50 ILCS 706/10-25.
- F. Ensuring the Department uses authorized body-worn camera recording media (50 ILCS 706/10-10).

**3.7.16.1 SUPERVISORY RESPONSIBILITIES**

- A. Supervisors shall ensure officers equipped with BWCs utilize them in accordance with law, department 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.



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- C. Every (28 day) deployment period, supervisors will randomly review 1 BWC recording from each officer pertaining to the supervisor's direct area of responsibility to ensure that the equipment is operating properly and that officers are using the cameras appropriately and in accordance with this policy and training.
  - 1. The selection of recordings will be conducted in an impartial manner that promotes an equitable review of recordings from all officers under the supervisor's chain of command.
  - 2. Supervisors shall document their review using the BWC Supervisory Audit form in SharePoint.
  - 3. Supervisors shall identify any areas in which additional training or guidance is required.
  - 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.
  
- D. 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.
  
- E. Recordings may not be reviewed indiscriminately for disciplinary purposes.

**3.7.16.2 PUBLIC RECORDINGS OF LAW ENFORCEMENT**

- 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.
  
- 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.

**3.7.16.3 REPORTING**



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On or before May 1<sup>st</sup> of each year, the Wheaton 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 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 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

**3.7.16.4 SCHOOL RESOURCE OFFICERS**

The Wheaton Police Department recognizes that the duties and working environment for School Resource Officers (SROs) are unique within law enforcement. It is recognized that SROs are

required to maintain school safety while keeping the sanctity of the learning environment that the school provides. SROs are expected to continuously build trusting relationships with students and staff. They also often have impromptu interventions with students to deescalate arguments and/or conflicts. It is with this understanding that the Wheaton Police Department provides special regulations to SROs on their use of Body Worn Cameras (BWCs), while remaining in compliance with state law.

The BWC shall be activated in any of the following situations:

- A. When summoned by any individual to respond to an incident where it is likely that a law enforcement-related activity will occur.
- B. Any self-initiated activity where it is previously known, or facts develop that a custodial arrest will be made or a law enforcement-related activity will occur.



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- C. Any self-initiated activity where it is previously known, or facts develop that the questioning/investigation will be used later in criminal charges.
- D. When feasible an SRO shall activate the BWC when the contact becomes adversarial, the subject exhibits unusual or aggressive behavior, or circumstances indicate that an internal complaint will likely be filed.

SROs shall adhere to school district policies regarding parental notification prior to interviewing students. SROs will provide a verbal notice of BWC recording to the involved student, prior to any interview or interrogation made in conjunction with a criminal investigation, unless it is unsafe to do so. Example, "My body camera is on; you are being recorded."

If exigent circumstances prevent an SRO from turning on a BWC when required, the BWC shall be activated as soon as practicable.

It is also recognized that SROs often have conversations with students/staff that are unrelated to the investigation of a crime and fall under the definition of a community caretaking function. It is not appropriate to record these conversations as it diminishes the trust between the individual and the SRO. For the purposes of this order, a community caretaking function shall include discussions and investigations of school rule violations that are previously known to be non-criminal in nature.