

Mobile Audio/Video

423.1 PURPOSE AND SCOPE

The Wilmington Police Department has equipped marked patrol cars with Mobile Audio and Video (MAV) recording systems to provide records of events and assist uniformed officers in the performance of their duties by providing a visual and/or audio record of patrol-related activities when permitted by law (720 ILCS 5/14-3(h)). This policy provides guidance on the use of these systems.

423.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car video and Mobile Audio Video (MAV) system -Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

423.2 POLICY

It is the policy of the Wilmington Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

423.3 OFFICER RESPONSIBILITIES

At the start of each shift, each officer will power on the MAV unit, log in to system, and affix the wireless microphone to a location on his/her uniform that will provide for properly recording audio and video in the field. At the end of the shift, each officer will follow the established procedures for logging out of the MAV system, and return the wireless microphone to its charging port in the vehicle.

If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor orders that the vehicle remain in service.

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423.4 ACTIVATION OF THE MAV

The MAV system shall be powered on and ready to record continuously throughout the officer shift (50 ILCS 707/15). The MAV system is designed to activate whenever:

- (a) Unit's emergency lights and/or siren are turned on for longer than three (3) seconds
- (b) The vehicle is involved in a crash
- (c) Vehicle speed reaches 85mph
- (d) Manually by officer

423.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident, due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated as soon as practicable in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct, within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian stops
 - 9. DUI investigations including field sobriety tests
 - 10. Crimes in progress
 - 11. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify WESCOM with the exception of regular business checks.
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls

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3. Offenses involving violence or weapons
 - (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
 - (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate. When choosing to record an individual(s) and their actions, officers must comply with all applicable state laws related to eavesdropping and recording consent of all parties involved.

423.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

423.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

423.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By a department investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings

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- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (i) By the media through proper process or with permission of the Chief of Police or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. 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

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Sergeant. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

423.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.. Officers shall enter the CAD or Case Report number in the proper field before closing out the MAV event.

423.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 90 days and disposed of in compliance with the established records retention schedules (720 ILCS 5/14-3(h-15)).

423.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

423.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Wilmington Police Department

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should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

423.7.3 RECORDING RETENTION REQUIREMENTS

Notwithstanding the 90 day retention period in 720 ILCS 5/14-3(h-15), if the Department receives funds under the Illinois Law Enforcement Camera Grant Act, MAV video records must be stored for no less than two years (50 ILCS 707/15).

423.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 60 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, Administrative Assistant to the Chief of Police or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

423.9 ADMINISTRATIVE ASSISTANT TO THE CHIEF OF POLICE RESPONSIBILITIES

The Administrative Assistant is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the AA:
 - 1. Ensures it is stored in a secure location with authorized controlled access.

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2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 1. Pursuant to a court order.
 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 1. Maintaining a record of issued media.
Ensuring that an adequate supply of recording media is available.
- (e) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

423.9.1 ADDITIONAL ADMINISTRATIVE ASSISTANT RESPONSIBILITIES FOR GRANT FUNDING

If the Department receives any grants under the Illinois Law Enforcement Camera Grant Act, the MAV technician is also responsible for (50 ILCS 707/15):

- (a) Remaining familiar with the applicable requirements of the Illinois Law Enforcement Camera Grant Act including any model rules developed by the Illinois Law Enforcement Training and Standards Board (ILETSB).
- (b) Ensuring the MAV system includes audio of the officer when the officer is outside of the vehicle.
- (c) Limiting access to the camera to the officer's supervisor.
- (d) Working with the Chief of Police or his designee to develop procedures to process requests from other law enforcement agencies and local State's Attorneys for video recordings, including procedures for protecting identities of individuals not related to the recorded incident.
- (e) Completing the annual MAV report required by 50 ILCS 707/15.

423.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

423.12 SUPERVISOR RESPONSIBILITIES

Supervisors shall ensure that:

- (a) Vehicles with non-functioning MAV systems should not be placed into service. If these vehicles must be placed into service, the appropriate documentation should be made, including notification of WESCOM..

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- (b) All officers follow established procedures for the use and maintenance of MAV equipment, handling of video/audio recordings and the completion of MAV documentation
- (c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.
- (d) Repairs and replacement of damaged or non-functioning MAV equipment is performed.
- (e) They perform random video recording reviews as necessary and/or directed.

When an incident arises that prohibits the MAV device (vehicle) from returning to the station for automatic upload of the recorded media, a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.