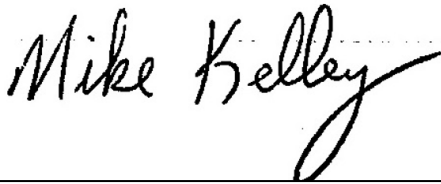


 WILL COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURE GENERAL ORDER	Distribution	General Order Number
	ENFORCEMENT	5.29 (ENF)
	Original Issue Date	Reissue/Effective Date
	06/30/21	06/30/22
Order Title: BODY WORN CAMERA	CALEA Accreditation Standard:	Section
	41.3.8	5
	Rescinds:	
Section Title: PATROL FUNCTIONS	 Mike Kelley, Sheriff of Will County	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

The purpose of this policy is to establish the Will County Sheriff's Office guidelines and limitations for the use and management of body-worn camera systems.

II. POLICY

The Will County Sheriff's Office ("WCSO" or "Sheriff's Office") is committed to the belief that on-deputy audio/video system is an important and valuable tool for law enforcement. On-deputy video is essentially audio-video documentation of a deputy's investigative and enforcement activities from the perspective of the deputy's person. The use of on-deputy video is expected to result in greater transparency, more effective prosecution, and improved protection against false allegations of excessive use of force, misconduct or racial profiling.

The use of body-worn camera systems provides documentation of law enforcement interaction with the public by providing recorded evidence of actions, conditions and statements that may be used for court proceedings, internal review, or review by the public through formal request. Goals of a body-worn camera system include deputy safety, to accurately document events during the course of an incident, to provide prosecutors with the best evidence for court

proceedings, and to determine the accuracy of complaints made against members of the Will County Sheriff's Office. The Will County Sheriff's Office will utilize the AXON camera system.

III. DEFINITIONS

Badge: A Will County Sheriff's Office issued identification number associated with his or her position as a member of the Sheriff's Office.

Board: The Illinois Law Enforcement Training Standards Board created by the Illinois Police Training Act.

Business Offense: An offense subject to a fine only. The minimum fine for a business offense is \$75.00 and the maximum fine is established by the specific statute defining the offense.

Community Caretaking Function: A task undertaken by a law enforcement deputy in which the deputy is performing an articulable act unrelated to the investigation of a crime. "Community caretaking function" includes, but is not limited to, participating in town halls or other community outreach, helping a child find his or her parents, providing death notifications, and performing in-home or hospital well-being checks on the sick, elderly, or persons presumed missing.

In Uniform: A law enforcement deputy who is wearing any officially authorized uniform designated by a law enforcement agency, or a law enforcement deputy 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 deputy acting in the course of his or her duties. A deputy will not be considered to be in uniform when in an undercover or other sensitive capacity, unless required by the Sheriff.

Law Enforcement-related Encounters or Activities: Include, but are 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 deputy is enforcing the laws of the municipality, county, or State. "Law enforcement-related encounter or activities" does not include when the deputy is completing paperwork alone or only in the presence of another law enforcement deputy.

Minor Traffic Offense: A petty offense, business offense, or Class C misdemeanor under the Illinois Vehicle Code or a similar provision of a municipal or local ordinance.

Body-Worn Body Camera: An electronic camera system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings that may be worn about the person of the Deputy.

Petty Offense: Any offense for which a sentence of imprisonment is not an authorized disposition.

Recording: The process of capturing data or information stored on a recording medium as required under the “Law Enforcement Body-Worn Camera Act” (50 ILCS 706/1 *et seq.*)

Recording Medium: Any recording medium authorized by the Board for the retention and playback of recorded audio and video including, but not limited to, VHS, DVD, hard drive, cloud storage, solid state, digital, flash memory technology, or any other electronic medium.

AXON Software: A secure video file management system required for downloading, storing, and retrieving video files recorded with the AXON camera.

AXON: A body-worn audio/video recording system primarily consisting of a camera and an internal battery pack.

IV. PROCEDURES

A. General

The Will County Sheriff’s Office has authorized the use of body-worn camera systems and shall use and maintain the system in conformance with 50 ILCS 706/1 *et seq.* The Sheriff’s Office will use the camera systems to document events and capture data, which will be preserved in a secure server at the Sheriff’s Office. Once captured, these recordings shall not be altered in any way. The Sheriff’s Office has adopted the use of body-worn camera systems to accomplish the following objectives:

1. To enhance deputy safety.
2. To accurately document statements and events during an incident.
3. To enhance the deputy’s ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/testimony.
4. To preserve visual and audio information for use in current and future investigations.
5. To provide an impartial measurement for self-critique and field evaluation during deputy training or coaching and mentoring sessions.
6. To enhance the public trust by preserving factual representations of deputy-citizen interactions in the form of video and audio recordings.

B. Recording Capabilities

1. Cameras will be equipped with pre-event recording, capable of recording at least the 30 seconds prior to camera activation.
2. Cameras will be capable of recording for a period of 10 hours or more.

C. Operational Use

1. Deputies shall only use body-worn cameras that have been issued by the Will County Sheriff's Office.
2. Body-worn cameras shall be operated in accordance with the manufacturer's guidelines, 50 ILCS 706/1 *et seq.*, and Will County Sheriff's Office training and policies.
3. When interacting with a citizen the deputy will immediately advise the citizen, verbal or otherwise, that he or she is being recorded if the person has a reasonable expectation of privacy. Proof of notice must be evident in the recording. If exigent circumstances exist which prevent the deputy from providing notice, notice must be provided as soon as practicable.
4. If exigent circumstance exist that prevent the camera from being turned on, the camera must be turned on as soon as practicable.
5. Unless specific facts exist as outlined in this general order, if the citizen objects to being recorded the deputy will turn off the system and document the objection in the police report.
6. Body-worn cameras may be turned off when the deputy is inside of a patrol car which is equipped with a functioning in-car camera; however, the deputy must turn on the camera upon exiting the patrol vehicle for any "law enforcement-related encounters or activities."
7. The body-worn cameras shall be turned on at all times when the deputy is:
 - a. On-duty;
 - b. Visibly wearing:
 - 1) Any officially authorized uniform designated by the Will County Sheriff's Office, or
 - 2) Article of clothing, a badge, tactical gear, gun belt, a patch, or other insignia that he or she is a member of the Will County Sheriff's Office acting in the course of his or her duties;
 - c. And is:
 - 1) Responding to calls for service, or
 - 2) Engaged in a law enforcement-related encounter or activity:
 - a) 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 deputy is enforcing the laws of the municipality, county, or State, but

- b) This does not include when the deputy is completing paperwork alone or only in the presence of another law enforcement officer, or deputies who are undercover or on other sensitive assignments, unless required by the Sheriff.

8. In addition to those instances specified above, deputies should turn on the body-worn camera for the following types of incidents unless unsafe, impossible or impractical to do so:
 - a. Vehicle and pedestrian investigative detentions and stops;
 - b. Observed unlawful conduct;
 - c. Use of force;
 - d. High-risk situations;
 - e. Advising an individual of Miranda Rights;
 - f. Statements made by suspects, victims, or witnesses;
 - g. Vehicle searches;
 - h. K-9 deployments;
 - i. Physical arrest of persons;
 - j. Observed items of evidentiary value;
 - k. Service of a search warrant;
 - l. An encounter initiated by a private person (flag down);
 - m. Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording;
 - n. Any other circumstances where the deputy believes recording an incident would be appropriate.
9. Deputies shall position the body-worn camera in a manner to facilitate optimum recording field of view, while also ensuring the ability to safely activate the camera prior to, or during an incident.
10. The camera should generally be used during incidents that create reasonable suspicion in the mind of a reasonable deputy that a crime has been committed, is being committed, or will be committed in the future.
11. Deputies, who do not activate their body-worn cameras in situations where they were required to as outlined above, may be subject to discipline. If a citizen complaint is made and the deputy does not activate his body-worn camera as required, it will be a factor examined when determining final resolution of the investigation.
12. Once a body-worn camera is activated, it shall not be intentionally turned off

until the incident has reached a conclusion. If it becomes necessary to discuss issues surrounding an investigation with a supervisor or another deputy in private, the deputy may turn off their body-worn camera; thereby preventing their private conversation from being recorded.

13. The use of a body-worn camera does not replace the need for required documentation. All incident/supplemental reports shall be completed, regardless of the video that has been captured.
14. Whenever a deputy records an incident or any portion of an incident, which that deputy reasonably believes will likely lead to a citizen complaint, the deputy shall immediately bring it to the attention of his/her supervisor.
15. In situations requiring a report and/or citation, deputies **SHALL** document the use of a body-worn camera in the following manner:
 - a. Within the synopsis **AND** narrative portions of an incident report.
 - b. Within a supplemental report.
 - c. As a notation on a citation.
16. Deputies wearing a body-worn camera may use the system to capture statements from victims, witnesses, and suspects in place of utilizing a digital recorder. The use of a body-worn camera for such purposes shall be documented in the same manner as above.
17. Cameras may be turned off when the deputy is engaged in community caretaking functions. *This applies to any task undertaken by a deputy in which the deputy is performing an articulable act unrelated to the investigation of a crime. "Community caretaking function" includes, but is not limited to, participating in town halls or other community outreach, helping a child find his or her parents, providing death notifications, and performing in-home or hospital well-being checks on the sick, elderly, or persons presumed missing.* However, the camera must be turned on when the deputy has reason to believe that the person on whose behalf the deputy 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 must be turned on as soon as practicable.
18. Deputies are not required to actively record while in the Adult Detention Facility or Court House due to closed circuit cameras. A deputy will however activate the body camera in either facility when taking enforcement action.

C. Retention of Video

1. Whenever practical, deputies should download video utilizing the AXON software. At the end of their shift, deputies **SHALL** place the body-worn camera into their assigned docking station whether at their residence, in their squad, or at the station. This will allow remaining evidence to be transferred from the system to the server, and for the battery to be charged. The system should not be removed from the dock until the data has been uploaded, and the battery is fully charged.
2. Certain special operations divisions within the department will not have an individually assigned body camera. A docking station will be located in their respective offices, and members will sign out the body camera for their field operations.
3. Recordings made by body-worn cameras will be retained by the Sheriff's Office or by the camera vendor used by the Sheriff's Office on a recording medium for 90 days.
 - a. Under no circumstances shall any recording made with a body-worn body camera be altered, erased, or destroyed prior to the expiration of the 90-day storage period, except as stated herein.
 - b. *If any data is altered, erased, or destroyed prior to the expiration of the 90-day storage period, the managing deputy must complete an accidental deletion report indicating the name of the individuals involved, the dates of the recording, review and or deletion, the reason for the deletion, and any corrective actions taken as a result. This report must be reviewed and verified by a supervisor and the Sheriff. Any such reports must be included in the annual report provided to the Board.*
 - c. Following the 90-day storage period, any and all recordings made with a body-worn body camera must be destroyed, unless any encounter captured on the recording has been flagged. An encounter is deemed to be flagged when:
 - 1) a formal or informal complaint has been filed;
 - 2) the deputy discharged his or 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 an arrest, excluding traffic stops which resulted in only a minor traffic offense or business offense;
 - 5) the deputy is the subject of an internal investigation or otherwise being investigated for possible misconduct;

- 6) the supervisor of the deputy, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution; or
 - 7) the recording deputy requests that the video be flagged for official purposes related to his or her official duties.
 - d. Under no circumstances shall any recording made with a body-worn body camera relating to a flagged encounter be altered or destroyed prior to 2 years after the recording was flagged. If the flagged recording was used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court.
4. Following the 90-day storage period, recordings may be retained if a Will County Sheriff's Office supervisor designates the recording for training purposes. If the recording is designated for training purposes, the recordings may be viewed by deputies, in the presence of a supervisor or training instructor, for the purposes of instruction, training, or ensuring compliance with WCSO policies.
 5. If there is any other legal requirement for retaining the recording, including but not limited to litigation, a pending criminal case, or a valid court or administrative order, then the recording shall be retained only as long as is legally required.
 6. Digital recordings may be duplicated for court, investigative, training, criminal, administrative or other authorized purposes. Deputies required to produce digital recordings for court will make advance arrangements with the Crime Scene Investigation Unit for a copy of the recording. No member of the Sheriff's Office will view or duplicate any digital recording, for other purposes, without first submitting a written request to their division Chief.
 7. All Freedom of Information requests for digital recordings will be processed through the FOIA Administrator, and when necessary in consultation with the Will County State's Attorney's Office Civil Division. No digital recordings will be used for unauthorized purposes.
 - a. Recordings made with the use of an officer-worn body camera are not subject to disclosure under the Freedom of Information Act, 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 complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm, shall be disclosed in accordance with the Freedom of

Information Act 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) directly above, the subject of the encounter does not have a reasonable expectation of privacy if the subject was arrested as a result of the encounter. For purposes of paragraph (1)(a) above, "witness" does not include a person who is a victim or who was arrested as a result of the encounter.
- b. Only recordings or portions of recordings responsive to the request shall be available for inspection or reproduction. Any recording disclosed under the Freedom of Information Act shall be redacted to remove 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 the Freedom of Information Act.
 - c. Nothing in this section shall limit access to a camera recording for the purposes of complying with Supreme Court rules or rules of evidence.

D. Operational Prohibitions / Restrictions

1. Deputies shall not modify, tamper, dismantle, or attempt to make repairs to the body-worn cameras. Any deputy, who intentionally disables or damages any part of the body-worn camera, or who fails to activate or deactivate the system required by this policy without justifiably reason, will be held accountable and subject to criminal and/or internal disciplinary action.
2. Deputies will not enable a password protected lock on the device in case a situation arises that another Deputy or supervisor needs to retrieve recorded evidence from the device.
3. Department-issued body worn cameras are intended for official Sheriff's Office use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
4. Deputies will typically not allow citizens to review recordings; however, deputy discretion is allowed to replay the recording for citizens at the scene in order to mitigate possible complaints.

5. To respect the dignity of others, members utilizing body-worn cameras will make reasonable efforts to avoid recording persons who are nude, or when sensitive areas are exposed.
6. Body-worn cameras SHALL NOT be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms unless there is a call for service in that area where law enforcement response is needed.
7. The intentional recording of confidential informants and undercover deputies is prohibited, unless authorized by a supervisor.
8. Non-work related personal activity shall not be recorded.
9. Under no circumstances shall any recordings be used or shown for the sole purpose of bringing ridicule or embarrassment upon any person.
10. Deputies shall not use body-worn cameras to make surreptitious recordings of other department members, except as necessary during a criminal investigation or for department administrative investigations, and only with the consent of the Sheriff.
11. Deputies SHALL NOT make copies of any recording for their personal use and are prohibited from using a recording device (such as a camera phone or secondary video camera) to record media from the server or any device utilized to view data recorded on body-worn cameras.
12. Deputies are prohibited from using their personal phone or smart device for body-worn camera applications.
13. Any uploading or converting digital recordings for use on any type of social media or website is prohibited.
14. Deputies shall not record individuals who are lawfully engaging in a protest or other First Amendment protected right of speech or demonstration, unless there is at least reasonable suspicion of criminal activity, or to serve any other legitimate law enforcement purpose.
15. In incidents involving a deputy's use of force (as defined in *Use of Force policy 3.01*) deputies may review their video of the incident before the deputy has completed his/her force investigation report, as long as this fact is noted in the report. Once the deputy has completed his/her use of force report he/she may also view the video with the supervisor conducting the force investigation. Any discrepancies or additional information determined by the review of the video will be documented and explained by the supervisor in his/her evaluation of force report.

- a. Deputy's shall not have access to or review his/her body-worn camera recordings or the body-worn camera recordings of another deputy prior to completing incident reports or other documentation when the deputy:
 - 1) has been involved in or a witness to a deputy-involved shooting, use of deadly force incident, or use of force incidents resulting in great bodily harm;
 - 2) is ordered to write a report in response to or during the investigation of a misconduct complaint against the deputy;
- b. If the deputy subject to paragraph (a) above prepares a report, any report shall be prepared without viewing the body-worn camera recordings, and subject to the supervisor's approval, officers may file amendatory reports after viewing body-worn camera recordings. Supplemental reports under this section shall also contain documentation regarding access to the video footage.

16. Cameras must be turned off when:

- a. The victim of a crime requests that the camera be turned off, and unless impractical or impossible, that request is made on the recording;
- b. A witness of a crime or a community member who wishes to report a crime requests that the camera be turn off, and unless impractical or impossible that request is made on the recording; or
- c. The deputy is interacting with a confidential informant used by the Sheriff's Office.

A deputy may continue to record or resume recording a victim or a witness, if exigent circumstances exist, or if the deputy has reasonable articulable suspicion that a victim or witness, or confidential informant has committed or is in the process of committing a crime. Under these circumstances, and unless impractical or impossible, the deputy must indicate on the recording the reason for continuing to record despite the request of the victim or witness.

E. Deletion of Unintentional Recordings

- 1. In the event of an unintentional activation of the body-worn camera during non-enforcement or non-investigative activities, e.g. restroom or meal break, other areas where reasonable expectation of privacy exists: Deputies may request recording deletion.

2. The unintended recording will be noted by completing a memo to their immediate supervisor explaining the reason for the request. This request will be reviewed and authorized by the watch commander. The watch commander will not continue to watch the video when it becomes reasonably apparent that the video will depict a deputy in a nude state or otherwise depict or reveal highly personal information. This shall not apply if the information is related to a legitimate law enforcement or administrative need.

F. Use of Recordings for Discipline

1. Recordings shall not be used to discipline deputies unless:
 - a. a formal or informal complaint of misconduct has been made;
 - b. a use of force incident has occurred;
 - c. the encounter on the recording could result in a formal investigation under the Uniform Peace Officers' Disciplinary Act; or
 - d. as corroboration of other evidence of misconduct.
2. Nothing in this policy shall be construed to limit or prohibit a deputy from being subject to an action that does not amount to discipline.

G. Equipment Repair/Maintenance

1. Prior to each shift, deputies shall inspect the body-worn camera for any physical damage and to ensure the system is fully charged and operational. Only fully charged and operational systems shall be used.
2. The Sheriff's Office shall ensure proper care and maintenance of body-worn cameras. Maintenance shall be performed by authorized service personnel. Alterations to the system by unauthorized personnel are prohibited.
3. Damage, loss, theft, technical difficulties or malfunctioning of any component of the equipment shall be reported as soon as possible to a shift Supervisor. Supervisors shall ensure that all equipment is operated in accordance with department directives and manufacturer's recommendations.
4. If equipment is malfunctioning, the deputy will forward an equipment repair request to the I.T. department, who will authorize the necessary repairs. The equipment shall be repaired only by qualified technicians who have been specifically trained and are authorized to do so.

H. Accountability, Review and Security

1. All body-worn camera users will be responsible for monitoring system effectiveness and making recommendations for operational improvement and policy revision.
2. Upon receiving notice, the appropriate supervisor shall make every reasonable effort to correct and repair any of the body-worn camera equipment.
3. Deputies authorized under this policy may review video as it relates to:
 - a. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports, as long as this fact is noted in the report.
 - b. Prior to courtroom testimony or for courtroom presentation.
 - c. Providing a statement pursuant to an administrative inquiry/investigation.
 - d. For training purposes.
4. A supervisor may review a specific incident contained on digital media for the purpose of training, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulated reasons.
5. All recording medium collected using body-worn cameras is considered a record of the Will County Sheriff's Office. Access to recordings for the purposes of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to authorized personnel only. It is the responsibility of authorized personnel to keep their username and password confidential. Accessing, copying, or releasing any recordings for use other than official law enforcement purposes is strictly prohibited, except as required by law.
6. The release of requested digital media through written public records request (F.O.I.A.) will be subject to the same statutory exemptions from disclosure as any other department records classified under Illinois Statutes.
7. The Will County Sheriff's Office video administrator will conduct quarterly audits to verify and deactivate users who are no longer authorized.

G. Supervisory Responsibilities

1. Supervisory personnel shall ensure that deputies equipped with body-worn cameras utilize them in accordance with policy and procedures defined herein.

2. Supervisors will periodically review AXON to ensure videos are not uncategorized.
3. Should circumstances require the immediate retrieval of a digital recording (e.g., serious crime scenes, agency shootings, department-involved accidents), a supervisor shall respond to the scene to secure the body-worn camera system and maintain chain of custody.
4. On at least a bimonthly basis, randomly review video and recordings to assist in periodic assessment of Deputy performance, determine whether body-worn camera equipment is being fully and properly used, and to identify material that may be appropriate for training. Such review shall be documented.

H. Public Recording (See G.O. 2.06, Recording Deputy Activity)

1. No deputy may hinder or prohibit any person who is not a law enforcement officer, from recording a deputy in the performance of his or her duties in a public place or when the deputy has no reasonable expectation of privacy.
2. Any violation of this General Order, or G.O. 2.06, Recording Deputy Activity, may result in criminal penalties, as well as any departmental discipline, which may result from unlawful confiscation or destruction of the recording medium of a person who is not a law enforcement officer.
3. However, a deputy 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.

I. Training

1. The Training Division will maintain the department approved body-worn camera system training curriculum.
2. Only deputies who have successfully completed departmentally approved training are authorized to use body-worn cameras.

J. Reporting

1. The Will County Sheriff's Office shall provide an annual report to the Illinois Training and Standards Board, on or before May 1 of the year.
2. The report shall include:

- a. a brief overview of the makeup of the agency, including the number of deputies utilizing body-worn body cameras;
- b. the number of body-worn body cameras utilized by the law enforcement agency;
- c. any technical issues with the equipment and how those issues were remedied;
- d. a brief description of the review process used by supervisors within the Sheriff's Office;
- e. for each recording used in prosecutions of conservation, criminal, or traffic offenses or municipal ordinance violations:
 - 1) the time, date, location, and location of the incident;
 - 2) the offense charged and the date charges were filed; and
- f. any other information relevant to the administration of the program.