

Urbana Police Department Memorandum

To: Mayor and City Council

From: Interim Chief Bryant Seraphin

Re: In-car, body-worn, and investigative rooms – WatchGuard camera systems

Date: September 19, 2018

The intent of this memorandum is to provide notice to both the Mayor and the City Council of the Urbana Police Department's intention to move forward with not only purchasing replacement in-car video systems but also to add body-worn cameras. In addition, two interview rooms in the Criminal Investigations Division (CID) will be outfitted with similar cameras under the same purchase. Doing so allows for consistency across the entire camera system as well as the back-end client for ease of use in handling the footage obtained.

A budget amendment is being presented for approval in order to facilitate this purchase. It should be noted that all funding for this project has been arranged through existing funds with the majority coming from the in-car video system replacement funding in the VERF, as well as CID camera funding also in the VERF.

These financial changes do not impact the fund balance in the General Operating Fund or the VERF Fund. The estimated annual transfer to the Vehicle and Equipment Replacement Fund (VERF) from the General Operating Fund will increase by approximately \$6,000 annually, beginning in FY2020, based on the assumption that the cameras are to be replaced every five years.

The presentation slides that follow will outline the program and policy considerations focusing on the body worn cameras, as they are new to Urbana. The working draft of the policy is included for your reference; the Law Enforcement Officer-Worn Body Camera Act may be found at 50 ILCS 706/.

ORDINANCE NO. 2018-09-062

AN ORDINANCE REVISING THE ANNUAL BUDGET ORDINANCE

(Budget Amendment #3 – Body-Worn Cameras)

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution of 1970, and may exercise any power and perform any function pertaining to its governmental business and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted by the Illinois Constitution of 1970; and

WHEREAS, the corporate authorities of the City heretofore did approve the annual budget ordinance of and for the City of Urbana for the fiscal year beginning July 1, 2018 and ending June 30, 2019; and

WHEREAS, the said corporate authorities find that revising the annual budget ordinance by deleting, adding to, changing, or creating sub-classes within object classes and object classes themselves is in the best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs; and

WHEREAS, funds are available to effectuate the purpose of such revision; and

WHEREAS, the Budget Director may not may not make such revision under the authority so delegated to the Budget Director pursuant to 65 ILCS 5/8-2-9.6 or Urbana City Code Section 2-133.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL AND THE MAYOR, BEING THE CORPORATE AUTHORITIES OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1.

The annual budget ordinance shall be and the same is hereby revised as set forth in the exhibit appended hereto and made a part hereof as if fully set forth herein.

Section 2.

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a two-thirds of the corporate authorities then holding office (6 of 8 votes) of the City of Urbana, Illinois, at a duly noticed and convened meeting of the said corporate authorities.

PASSED BY THE CORPORATE AUTHORITIES this ___ Day of _____, 20__.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ___ Day of _____, 20__.

Diane Wolfe Marlin, Mayor

Budget Amendment 2018/19 - 03 - Exhibit A

		Current Budget	Revised Budget	Difference	Reason
<u>GENERAL OPERATING FUND (100)</u>					
<u>Expenditures</u>					
10020201-51600	POLICE PATROL - UNIFORMS	59,713	52,877	(6,836)	purchase of body-worn cameras
10020201-59300	POLICE PATROL - TFR TO VERF FUND	-	6,836	6,836	purchase of body-worn cameras
<u>Total Expenditures</u>		<u>33,273,511</u>	<u>33,273,511</u>	<u>-</u>	
<u>Ending Fund Balance (estimated)</u>		<u>4,900,074</u>	<u>4,900,074</u>	<u>-</u>	
<u>POLICE SPECIAL FUND (310)</u>					
<u>Expenditures</u>					
31020205-53440	POLICE DUI - OTHER EQUIPMENT	16,668	-	(16,668)	purchase of body-worn cameras
31020205-59300	POLICE DUI - TFR TO VERF FUND	-	16,668	16,668	purchase of body-worn cameras
31020207-53440	FED NARCOTICS FORFEIT. - OTHER EQUIPMENT	17,749	10,000	(7,749)	purchase of body-worn cameras
31020207-59300	FED NARCOTICS FORFEIT. - TFR TO VERF FUND	-	7,749	7,749	purchase of body-worn cameras
<u>Total Expenditures</u>		<u>76,878</u>	<u>76,878</u>	<u>-</u>	
<u>Ending Fund Balance (estimated)</u>		<u>579</u>	<u>579</u>	<u>-</u>	
<u>VEHICLE AND EQUIPMENT REPLACEMENT FUND (300)</u>					
<u>Revenues</u>					
300-49100	TFR FROM GENERAL FUND	1,241,721	1,248,557	6,836	purchase of body-worn cameras
300-49310	TFR FROM POLICE SPECIAL FUND	-	24,417	24,417	purchase of body-worn cameras
<u>Total Revenues</u>		<u>1,333,061</u>	<u>1,364,314</u>	<u>31,253</u>	
<u>Expenditures</u>					
30060600-53440	OTHER EQUIPMENT	715,117	746,370	31,253	purchase of body-worn cameras
<u>Total Expenditures</u>		<u>3,323,275</u>	<u>3,354,528</u>	<u>31,253</u>	purchase of body-worn cameras
<u>Ending Fund Balance (estimated)</u>		<u>5,011,639</u>	<u>5,011,639</u>	<u>-</u>	

An Introduction To The Watch Guard Interview Room, In Car Video and Body Worn Camera Systems

Implementation, Policy, and Best
Practices





Definitions

- Interview room cameras are hardwired into the two CID interview rooms
- 4RE is the in car video system (ICV)
- VISTA is the body worn camera (BWC)
 - On - VISTA is powered and ready to be activated
 - Activated - The officer causes the VISTA to create an event file.
 - Event file - The data collected when VISTA is activated



Purpose of Body Worn Cameras

- Portable Audio/Video Recorders (Body Worn Cameras) are effective tools that the Urbana Police will use for:
 - Evidence
 - Transparency
 - Accountability
 - Police/Community Relations
 - Resolve Complaints
- Body Worn Cameras (BWC) guidelines are set in policy and by Illinois law



Realistic Expectations

- This is a new process and there will be a learning curve.
- Body cameras are battery operated, electronic tools and even the best equipment may periodically fail
- Squad car camera and body camera data
 - Provides a specific view of the larger event
 - May have diminished audio and video quality due to environmental factors or officer actions (running, taking cover, body position during event etc...)
 - Is only a part of the complete investigation



Getting Started

- All 13 squad cars will have a 4RE
- The department will issue every officer a VISTA
- The officer will wear the VISTA in a forward facing manner.
- Vista can hold up to 12 hours of HD video before it is full.
- The battery is designed to last up to 19 hours on standby alone, and 7 continuous hours if “activated” and creating events.



Creating and Reviewing Data Files

- The 4RE and VISTA files sync together for replay
- Captured data is stored on a secure server
- Retention of data is mandated by statute
 - Unless flagged, all data MUST be deleted after 90 days
 - Data is flagged when:
 - A formal or informal complaint has been filed
 - The officer discharged his or her firearm or used force during the encounter;
 - Death or great bodily harm occurred to any person in the recording
 - The encounter resulted in a detention or an arrest (excluding traffic)
 - The officer is the subject of an internal investigation or otherwise being investigated for possible misconduct
 - The supervisor of the officer, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution or
 - The recording officer requests that the video be flagged for official purposes related to his or her official duties.
 - Flagged data will be retained for a minimum 2 years.



Policy/Law Highlights – Definitions

- The Illinois Officer-Worn Body Camera Act (50 ILCS 706/10-1) and UPD Policy 421 requires any officer wearing a uniform to:
 - wear the BWC
 - keep the camera on at all times while on-duty and
 - to activate recording when performing any law enforcement activity (defined in subsequent slide)

Exceptions to mandatory “on” position;

- Exigent circumstances preventing turning on or activation
- Victim or witness request de-activation (shutting off VISTA is allowed, not mandatory)
- Interactions with a confidential source.



Policy/Law Highlights - Notification

- Mandatory Notification of recording; 50 ILCS 706/10-20 (a) (5):
 - The officer must provide notice of recording to any person *if the person has a reasonable expectation of privacy*
 - Proof of notice must be evident in the recording
 - Acknowledges exigent circumstances may prevent the officer from providing notice, in this event notice must be provided as soon as practicable
- Officers may use their discretion to notify subjects/witnesses/victims of the recording in public areas or traffic contacts



Policy/Law Highlights – When to Activate

- “Law enforcement-related encounters or activities” include but are not limited to:
 - traffic stops
 - pedestrian stops
 - arrests/detentions
 - searches
 - interrogations
 - investigations
 - pursuits
 - crowd control
 - traffic control
 - Interactions with individuals while on patrol – that are not community care taking
 - any other instance in which the officer is enforcing the laws of the municipality, county, or State



Policy/Law Highlights

- VISTA activation is NOT required when engaged in
 - Special event details
 - Any other department activity unrelated to the investigation of a crime or special event (community meetings, uniformed training, other community events)
- Prior to going into service, uniformed employees are responsible for making sure the issued VISTA is in good working order and correctly synchronized when used in conjunction with a 4RE.



Policy Highlights – Supervisor Review Video

- Supervisors may review videos to ensure
 - compliance with the directive,
 - identify training needs,
 - recognize stellar activity
- Supervisors are directed to save videos associated with any formal or informal complaint
- Recordings shall not be used to discipline law enforcement officers unless
 - a informal or formal complaint of misconduct is made,
 - use of force has occurred,
 - The encounter on the recording could result in a formal investigation under the **Uniform Peace Officers' Disciplinary Act**: or
 - As corroboration of other evidence of misconduct.



Conclusion

- Deployment of body worn cameras is a leap forward for the Urbana Police Department
- Urbana Police will be the last major police department in Champaign County to deploy body worn cameras
- The department engaged in extensive research and testing and found Watch Guard is one of the most reliable solutions for a camera system
- During the testing process the officers voiced support for the implementation of a body worn camera program at UPD

Portable Audio/Video Recorders (Body Worn Cameras)

421.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this Department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and Mobile Audio /Video policies)

421.2 POLICY

The Urbana Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

421.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in their official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

421.4 MEMBER RESPONSIBILITIES

Prior to going into service, uniformed members assigned a portable recorder will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order. Uniformed members should wear the recorder in a conspicuous manner.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Street Crimes Task Force members shall be equipped with a portable recorder when they are wearing their external ballistic vest carriers

When using a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

421.5 ACTIVATION OF THE PORTABLE RECORDER

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The Illinois Officer-Worn Body Camera Act (50 ILCS 706/10-1) requires uniformed officers keep the camera powered on at all times while on-duty and to activate recording when performing any law enforcement activity. Pursuant to the Act, "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 officer is enforcing the laws of the municipality, county, or State

"Law enforcement-related encounter or activities" does not include when the officer is completing paperwork alone or only in the presence of another law enforcement officer.

"Community caretaking function" generally means performing an "act unrelated to the to the investigation of a crime.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as practicable.

See attached 50 ILCS 706/10-1 for the exact statute detailing mandated procedures and definitions.

421.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Illinois law prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation is private or confidential (720 ILCS 5/14-2).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

421.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation.

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Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

421.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

421.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Supervisor. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

421.7 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report. Members who review a recording before or during the writing of the police report shall memorialize that fact in the report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.

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- (d) In compliance with a public records request, if permitted, and in accordance with the Records Release and Security Policy.

421.8 BODY-WORN CAMERA COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for (50 ILCS 706/10-20):

- (a) Identifying members who are assigned body-worn cameras.
- (b) Identifying members permitted to access recordings in order 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:
 - (a) 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.
 - (b) 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.
 - (c) Security of recordings including access controls.
 - (d) Redacting, labeling and duplicating recordings.
 - (e) 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).

421.9 RETENTION OF RECORDINGS

All recordings other than those made with body-worn cameras shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days unless the recordings are made a part of an arrest or the recordings are deemed evidence in any criminal, civil or administrative proceeding.

421.9.1 RETENTION REQUIREMENTS FOR BODY-WORN CAMERA RECORDINGS

Recordings made on body-worn cameras shall be retained for 90 days. Recordings shall not be altered, erased or destroyed prior to the expiration of the 90-day storage period (50 ILCS 706/10-2050 ILCS 706/10-20).

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After the 90-day storage period, recordings must be destroyed unless any of the following occur (50 ILCS 706/10-20):

- (a) A formal or informal complaint has been filed
- (b) The officer discharged his/her firearm or used force during the encounter
- (c) Death or great bodily harm occurred to any person in the recording
- (d) The encounter resulted in a detention or arrest other than a traffic stop resulting in only a minor traffic offense or a petty offense with a fine of more than \$1,000
- (e) The officer is the subject of an internal investigation or otherwise being investigated for possible misconduct
- (f) The supervisor of the officer, prosecutor, defendant or court determines that the encounter has evidentiary value in a criminal prosecution
- (g) The recording officer requests that the video be retained for official purposes related to his/her official duties

Under these circumstances, 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.

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.

421.9.2 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.