



# ROCKFORD POLICE DEPARTMENT

## GENERAL ORDER

**NUMBER: 2.27**

**TITLE: MOBILE DIGITAL VIDEO / AUDIO RECORDING SYSTEMS**

**SERIES NUMBER: 2 - OPR**

**SERIES TITLE: OPERATIONS**

**TOPICS / REFERENCE: IN-CAR MOBILE VIDEO, IN-CAR MOBILE AUDIO,  
RECORDING RETENTION**

**APPENDICES: NONE**

**ORIGINAL EFFECTIVE / ISSUE DATE: MAY 15, 2015**

**DATE OF LAST REVISION: SEPTEMBER 5, 2018**

**THIS ORDER REMAINS IN EFFECT UNTIL REVISED OR RESCINDED**

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### **POLICY:**

The Rockford Police Department will use in-car mobile video recording to assist in documenting traffic enforcement and other law enforcement activities. The use of such equipment shall be in accordance with applicable laws. Proper use and maintenance of the equipment is essential to ensure operational readiness and proper functioning of the equipment.

### **PURPOSE:**

This policy addresses the use of Mobile Digital Video/Audio Recording Systems ["MVR equipment"], by officers of this Department. This policy references the statutory limitations on the use of this equipment; establishes procedures and guidelines for equipment maintenance, officer training, supervisor responsibility and equipment use; and establishes procedures to be followed in the administration of recordings resulting from the use of this equipment.

**This Order is comprised of the following numbered section:**

- I. ILLINOIS STATUTORY RESTRICTIONS**
- II. PROCEDURES**
- III. RECORDED MEDIA RETENTION**
- IV. LOADING / UNLOADING OF RECORDER**
- V. EFFECTIVE DATE**
- VI. REVIEWS, REVISIONS AND CANCELLATIONS**

**APPENDICES: NONE**

## **I. ILLINOIS STATUTORY RESTRICTIONS:**

The Illinois eavesdropping law is outlined in [720 ILCS 5/14](#). Exceptions to the law are outlined in Chapter [720 ILCS 5/14-3, paragraph \(h\)](#), which permits recording of oral conversation (recordings made simultaneously with a video recording) between a peace officer who identified his office, and a person stopped for an investigation of an offense under the [Illinois Vehicle Code \(625 ILCS 5/\)](#). The Illinois Supreme Court in [People v. Clark, 2014 IL 115776, March 20, 2014](#), declared the Illinois Eavesdrop Statute unconstitutional. As of the date of the enactment of this General Order, the future application of the Illinois Eavesdrop Statute to this General Order is in doubt.

## **II. PROCEDURES:**

### **A. Maintenance:**

1. Overall responsibility for the use and maintenance of MVR equipment shall be assigned to the District Commander.
2. Day to day responsibility for MVR equipment rests with the officer(s) assigned to the vehicle. The officer will inspect the MVR prior to beginning his shift and insure operational readiness. This inspection shall include the reporting of any malfunctions and damage to the equipment to the District Commander. If the MVR is inoperable, the officer must complete a Faulty Equipment Notice for Computer Support/IT Department. The inspection will also consist of verifying that the remote microphone/transmitter is functioning properly.
3. The remote microphone/transmitter will be stored on a mounted docking station within the MVR equipped vehicles.
4. If at any time, a remote microphone/transmitter or any MVR equipment is lost or damaged, the Officer shall complete an Officer's Report documenting the incident. The Officer's Report will be addressed to the Chief of Police and submitted through the Officer's chain of command, per Memorandum M2018-030 – Officer's Report Workflow.
5. Upon receipt of a Faulty Equipment Notices, the Information Technology Unit will address the issue and if needed, make arrangements for return of the equipment to the manufacturer or a designated repair facility.

### **B. Training:**

1. All sworn officers assigned to a squad car equipped with the MVR will receive training prior to use.
2. Training shall include, but not be limited to: legal aspects, policies and procedures, voice recording equipment, camera equipment, and digital file transfer.
3. Technical operation training may be conducted by a representative of the manufacturer upon installation, or training may be provided by Department personnel as designated.
4. All Field Services Personnel shall be trained in the operation of the MVR.

C. Operation and Officer Responsibilities

1. The Officer shall sign into the MVR (Front-End Program) at the beginning of each tour of duty and remain signed in for the duration of that tour of duty. The MVR will be activated, but the system not actively recording at the beginning of each tour of duty for that unit. The MVR system will remain activated but not recording, while the squad car is being operated.

a. The MVR unit WILL begin recording with the activation of the overhead lights, speed in excess of the pre-assigned limit, as well as activation of the remote microphone/transmitter to the "ON" position.

2. Officers are mandated to record audio and video of all Illinois Vehicle Code traffic stops with or without emergency lighting and within public domain which may provide evidence or information for policy, criminal or evidentiary purposes, if the vehicle is equipped with the MVR system. This includes, but is not limited to, the response to all high priority calls.

3. In the event of a traffic accident involving a squad car the officer SHALL activate the audio and video.

4. Officers shall not cease audio / video recording until the recorded event is completed. For purposes of this policy, a recorded event is completed when the officer believes the recorded audio/visual material no longer has policy, criminal or evidentiary value.

5. ALL recorded incidents shall be classified, as soon as practical, after the conclusion of the recorded incident. Officers shall classify such incident appropriately for proper media retention purposes. If any question on which classification is appropriate, the officer should consult with a supervisor prior to designating a classification.

1. The Officer shall classify each incident appropriately AND assign a case number associated with the incident.

1. For example, an Officer activated the overhead lights to respond to an In-Progress call for service, which in turn activated the MVR unit to record. The Officer responds to the incident and cease the audio/video recording when the event is completed and appropriately classify the video with the case number associated with the call.

6. Officers may have the internal audio muted during the course of normal operation, but Officers shall activate the internal audio and video within the squad when a prisoner is placed in the back seat of the squad car. The internal audio and video will remain activated until the recorded event is completed as specified in the above Operation and Officer Responsibilities.

7. Only the Commander or Supervisor of the Traffic Unit or their designee shall remove, delete or alter a recording in the MVR system in any manner. Recordings made in error will be classified as such and notification shall be made to the District Commander, or his/her designee who will remove the video as prescribed in the recorded media retention schedule.

8. Officers may view only the recorded incidents they were involved in for the purposes of note taking and preparation for court proceedings. .
9. Officers will not make a copy of any video or audio recording in the MVR system without authorization of the District Commander.
10. Officers will not give authorization for use of their pass codes to any other person..
11. All operation of the MVR will be in accordance with the Purpose and Police of this General Order.

D. Supervisor Responsibilities:

1. Supervisory personnel who manage officers equipped with MVR equipment shall ensure that all officers follow established policy and procedures set forth in this General Order.
2. The Field Services Bureau Commander or designee shall conduct monthly reviews of the MVR digital recordings from the officers assigned to their shift. The District Commander or designee (Shift Supervisor) shall select two (2) officers from their shift and review three random MVR recordings during the prior thirty (30) day period with the purpose to assess officer performance, to identify material that may be appropriate for training, and to ensure compliance with this General Order. The District Commander or Shift Supervisor will select two (2) different officers each month until the rotation begins again.
3. Supervisory personnel who manage officers equipped with MVR equipment shall ensure that MVR equipment is maintained in operational readiness condition and facilitate the repair process.
4. For purposes of prosecution in criminal or traffic offenses, the District Commander, or his or her designee shall accept requests from the City Legal Department and the Winnebago County State's Attorney's Office to provide digital media copies. In this case, the recording Officer shall obtain a copy of the requested video recording from the District Commander or designee and the video will be placed into Evidence per policy as designated in General Order *ADM 1.22- Collection and Handling of Found Property*.
  1. If the City Legal Department or Winnebago County State's Attorney's Office has viewing privileges in the MVR as granted by the Rockford Police Department, the District Commander or his/her designee may classify such offense incident as "court requested" in order to allow digital media copies to be made.
5. No supervisor other than the District Commander shall remove, delete, or alter a recording in the MVR system in any manner.
6. Supervisors will not make any copy of any video or audio recording in the MVR system without authorization of the District Commander or Supervisor of the Traffic Unit.
7. Supervisors will not give authorization for use of their pass codes to any other person.
8. Nothing in this order prohibits the Department to make copies of incidents for training purposes, officer accountability, or other legitimate Department approved purpose.

### **III. RECORDED MEDIA RETENTION:**

- A. Recordings will remain in electronic storage for a minimum of 2 years.
  - 1. Digital recordings entered onto the server will be handled according to evidence retention schedules.
    - a. Evidence retention schedules will be set by the Department after consulting with Rockford City Legal Department, the Winnebago County State's Attorney's Office and/or the United States Attorney's Office if necessary.
    - b. Evidence retention schedules may be modified when the server is near capacity.
- B. Recorded retention schedules are as follows:
  - 1. Recordings made that are non-evidentiary or made in error may be deleted after 2 years of storage.
  - 2. Recordings of traffic or criminal investigations that do not involve an arrest or citation may be deleted after 2 years of storage.
  - 3. Recordings of traffic or criminal investigations that do involve arrest or citation shall be retained at a minimum of 2 years.
  - 4. Recordings of any personnel incident or incident designated for training purposes will be deleted at the discretion of the District Commander after 2 years.
  - 5. Any video and audio recordings may be removed or indefinitely retained by an order of the court.
- A. Any recording classified as made in error and verified by audit as described above in section II-D-2 to be so may be deleted immediately.
- B. Evidence retention schedules will be programmed and monitored by the Information Technology Unit with the overall responsibility of the District Commander.
- C. Nothing in this General Order prohibits the Chief of Police, or designee, from maintaining a digital recording longer than the evidence retention schedule specifies.

### **IV. LOADING / UNLOADING OF RECORDER:**

- A. The mobile video/audio recording equipment will automatically download recorded information to the department's network server anytime the unit is within range of one of the wireless transfer antennas. The unit will complete this process automatically with no input from the officer. Since the units are digital, and the recorded images are stored on the internal network, there is no media exchange needed. All recordings are maintained live on the department's network for a period of time depending on the defined retention rules. The server is located in a secure location and may only be accessed by IT personnel.
- B. The media access door on the unit shall be kept locked at all times. Only a supervisor may manually load or unload the recorder as needed.
- C. If a recording was made during the process of a DUI arrest or other incident for which the officer reasonably believes the recording may be of evidentiary value, the digital recording will be stored live on the network for the defined period of time. Archived recordings are stored within

their section and are maintained indefinitely. Recordings may be made onto a transportable media format for investigative or court purposes at any time after the information has been downloaded from the vehicle. For additional guidelines and procedures that may be applicable, refer to general order *ADM 1.22 - Collection and Handling of Evidence and Found Property*.

D. No reproduction of a recording may be made without the knowledge and consent of the Chief or designee.

## V. GRANT RULES:

### **Model Rules for In-Car Video Camera Grant Recipients:**

In accordance with the Law Enforcement Camera Grant Act, any agency receiving grants from the Board for in-car video cameras must adopt rules based upon the following model, pending board approval.

#### A. Installation:

Cameras must be permanently installed in the law enforcement agency vehicles.

#### B. Recording:

- (1) Cameras must be turned on continuously throughout the officer's shift.
- (2) Video recording must provide audio of the officer when the officer is outside of the vehicle.

#### C. Access to Recordings:

- (1) Camera access must be restricted to the supervisors of the officer in the vehicle.
- (2) A copy of the video record must be made available upon request to personnel of the law enforcement agency, the local State's Attorney, and any persons depicted in the video. Procedures for distribution of the video recording must include safeguards to protect the identities of individuals who are not a party to the requested stop.

#### D. Minimum Storage:

**Law enforcement agencies that receive moneys under this grant shall provide for storage of the video records for a period of not less than 2 years.**

#### E. Reporting:

- (1) Each law enforcement agency receiving a grant for in-car video cameras under Section 10 of this Act must provide an annual report to the Board, the Governor, and the General Assembly on or before May 1 of the year following the receipt of the grant and by each May 1 thereafter during the period of the grant. The report shall include the following:

- (a) The number of cameras received by the law enforcement agency;
  - (b) The number of cameras actually installed in law enforcement agency vehicles;
  - (c) A brief description of the review process used by supervisors within the law enforcement agency;
  - (d) A list of any criminal, traffic, ordinance, and civil cases in which in-car video recordings were used, including party names, case numbers, offenses charged, and disposition of the matter.
- (2) Proceedings to which this paragraph (d) applies include, but are not limited to, court proceedings, coroner's inquests, grand jury proceedings, and plea bargains.
- F. Additional Information:  
From time to time, the Board may request any other information relevant to the administration of the program.

**VI. Effective Date:**

- A. The Department's policy on the use of Video Surveillance Equipment became effective on April 01, 2015

**VII. Reviews, Revisions and Cancellations:**

- A. This General Order will be reviewed each September by the Training Unit Commander and, when necessary, revised or cancelled in accordance with the procedures for reviewing written directives established in General Order *ADM 1.10 – Written Directives*.
- B. This order does not supersede or cancel any previously issued Department policy or procedure.
- C. Any employee with suggestions for revisions and/or improvements to this order are encouraged to submit their ideas to the District Commander or Training Unit Commander.

ALL GENERAL ORDERS REMAIN IN EFFECT UNTIL REVISED OR RESCINDED.

ANY MEMBER OF THE DEPARTMENT MAY, BY VIRTUE OF EXPERTISE OR POSITION OF FUNCTION, BE DESIGNATED TO AUTHOR OR PROVIDE SOURCE MATERIAL FOR A WRITTEN DIRECTIVE. THE OVERALL AUTHORITY TO ISSUE, MODIFY OR APPROVE WRITTEN DIRECTIVES IS DESIGNATED TO THE CHIEF OF

POLICE. HOWEVER, AUTHORITY AND RESPONSIBILITY TO ISSUE DIRECTIVES IS DELEGATED TO THE FOLLOWING.

ALL GENERAL ORDERS ARE SCHEDULED TO BE REVIEWED ANNUALLY BY THE GENERAL ORDER REVIEW COMMITTEE AND WHEN NECESSARY, REVISED OR CANCELED IN ACCORDANCE WITH THE PROCEDURES FOR REVIEWING WRITTEN DIRECTIVES ESTABLISHED IN GENERAL ORDER 1.10 – WRITTEN DIRECTIVES.

ALL NEW AND REVISED GENERAL ORDERS SHALL BE APPROVED BY THE CHIEF OF POLICE BEFORE ISSUE/REISSUE.

ANY EMPLOYEE WITH SUGGESTIONS FOR REVISIONS AND/OR IMPROVEMENTS TO THIS ORDER ARE ENCOURAGED TO SUBMIT THEIR IDEAS TO THEIR RESPECTIVE DISTRICT COMMANDER OR BUREAU CHIEF.

**BY ORDER OF**

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**09/05/2018**

**Daniel G. O'Shea**

Chief of Police