

Portable Audio/Video Recorders

447.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by officers of this Department while in the performance of their duties (50 ILCS 706/10-20). 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 audio/video recordings of interviews or interrogations conducted at the Crystal Lake Police Department facility where another recording system captures the necessary media. Nor does this policy apply to authorized undercover operations, including those undercover operations involving wiretaps or eavesdropping components (concealed listening devices).

447.1.1 DEFINITIONS

Definitions related to this policy include (50 ILCS 706/10-10):

Body-worn camera or camera - An electronic camera system for creating, generating, sending, receiving, storing, displaying and processing audiovisual recordings that may be worn about the person of a law enforcement officer.

Buffering Mode- The device feature of the body-worn camera which continuously video records and holds the most recent one (1) minute of video prior to activation of the device's Event Mode; also known as "pre-event recording." Audio recording is not captured when the camera is in Buffering Mode. In Buffering Mode, the initial event that causes the member to activate the body-worn camera in Event Mode will be saved and attached to the event in permanent memory.

Event Mode- When the event button on the body-worn camera is activated, the body-worn camera is recording both audio and video for up to twelve (12) hours. The buffered video, not audio, captured directly before the event will be saved and attached to the event's permanent memory

Law enforcement-related activities - Activities in which the officer is enforcing the law, including traffic or pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd/traffic control, or any other instance in which an officer is enforcing the laws of the city, county, or state. It does not include tasks unrelated to the investigation of a crime such as, but not limited to: Participating in town halls or other community outreach; helping a child find their parents; providing death notifications; performing in-home well-being checks on the sick, elderly or persons presumed missing; or completing paperwork or other administrative tasks and any other non-law enforcement activity conducted on duty.

Portable recorder or recorder - Either an audio-only recording device or a body-worn camera.

Officer – defined in this policy as a sworn law enforcement official.

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Sleep Mode- Sleep Mode puts the body-worn camera in an idle state that disables recording and buffering. While in this state, an automatic activation will not initiate body-worn camera recording.

Sleep Mode is useful for situations where body-worn camera users may need momentary privacy.

The user can enter Sleep Mode from Buffering Mode in less than four (4) seconds, as opposed to turning the body-worn camera completely off. Similarly, the body-worn camera will exit Sleep Mode and enter Buffering Mode or Event Mode in less than four (4) seconds. The device audit trail reflects when Sleep Mode is entered and exited. While Sleep Mode can be used as an alternative to completely powering down the body-worn camera during private situations, it should not be considered a replacement for powering the body-worn camera off. Certain background processes are running while the body-worn camera is in Sleep Mode and the battery will still deplete while in this mode, just at a slower rate.

447.2 POLICY

The Crystal Lake Police Department shall provide specified officers 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 officers of the Department and the public. The Crystal Lake Police Department acknowledges captured audio or video or both does not necessarily include all observations (visual or otherwise) made by an officer that factored into a specific decision or course of action taken during an event. As recorded audio and video media is subject to limitations that prevent it from capturing every observation (visual or otherwise) made by an officer and therefore does not define the totality of the circumstances of an event. Furthermore, the Crystal Lake Police Department acknowledges captured audio or video or both may sometimes reveal facts or circumstances that may have not been noticed or observed by an officer at the time of recording.

447.3 OFFICER PRIVACY EXPECTATION

All recordings made by officers on any Department-issued device at any time, and any recording made while acting in an official capacity of this Department, regardless of ownership of the device it was made on, shall remain the property of the Department. Officers shall have no expectation of privacy or ownership interest in the content of these recordings.

447.4 GENERAL OFFICER RESPONSIBILITIES

Prior to going into service, each officer assigned a body-worn camera issued by the Department will ensure that the camera is in good working order. If the camera is not in working order or the officer becomes aware of a malfunction at any time, the officer shall promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable (50 ILCS 706/10-20).

When using a body-worn camera, and dependent upon whether the device has the ability, the assigned officer shall record their name, CLPD CAD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether

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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.

Officers shall document the existence of a recording in any report or other official record of the contact, including any instance where the recorder or camera malfunctioned or the officer deactivated the recording or camera. Officers shall include the reason for deactivation.

447.4.1 UNIFORMED OFFICER RESPONSIBILITIES

Each uniformed officer assigned to patrol duties, planned special events, or any other assignment where a uniformed officer acts in a capacity where they are expected to engage in law enforcement-related activities, will be responsible for making sure that they are equipped with a body-worn camera issued by the Department. Uniformed officers should wear the camera in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

447.4.2 SCHOOL RESOURCE OFFICER RESPONSIBILITIES

The Crystal Lake 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 Crystal Lake Police Department provides special regulations to SROs on their use body-worn cameras while remaining in compliance with state law.

- A. The body-worn camera shall be activated (Event Mode) in any of the following situations
 1. When summoned by any individual to respond to an incident where it is likely that a law enforcement-related activity will occur.
 2. 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.
 3. Any self-initiated activity where it is previously known or facts develop that the questioning/investigation will be used later in criminal charges.
 4. When feasible an SRO shall activate the body-worn camera when the contact becomes adversarial, the subject exhibits unusual or aggressive behavior, or circumstances indicate that an internal complaint will likely be filed.

If exigent circumstances prevent an SRO from activating Event Mode a body-worn camera when required, the camera shall be activated as soon as practical. The officer shall document the reason(s) for the delayed activation in an official report.

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If an incident is recorded on a body-worn camera, the principal of the school or their designee shall be notified of the incident/recording. The SRO shall also notify their Unit Commander or their designee.

SROs should wear the camera in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably 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, however, the body camera should remain powered on and in Buffering Mode.

447.4.3 DETECTIVES RESPONSIBILITY

Detectives who are assigned a body-worn camera will operate the camera in the same manner as other Department employees and shall activate (Event Mode) the camera at all times they are engaged in law enforcement-related activities as outlined in this policy. Unless conducting a lawful recording in an authorized undercover capacity, detectives should wear the camera in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

447.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Officers should activate (Event Mode) the recorder any time the officer believes it would be appropriate or valuable to record an incident.

Officers wearing body-worn cameras and any clothing or any indication they are law enforcement shall have the body-worn camera powered on and in Buffering Mode at all times while they are on-duty and activated (Event Mode) when dispatched or responding to calls for service or engaged in law enforcement-related activities.

Body-worn cameras shall be activated (Event Mode) in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview situations.

- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assists and all crime interdiction stops.

- (c) Transportation of any prisoner or citizen in a squad car not otherwise equipped with squad audio/video recording equipment.

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(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

If exigent circumstances prevent an officer from turning on (Event Mode) a body-worn camera when required, the camera shall activate Event Mode as soon as practical (50 ILCS 706/10-20). The officer shall document the reason(s) for the delayed activation in an official report.

Officers shall not record interactions with confidential informants unless exigent circumstances exist or the informant has or is committing a crime (50 ILCS 706/10-20), however the body camera should remain powered on and in Buffering Mode.

Officers must provide notice of recording to any person if the person has a reasonable expectation of privacy and proof of notice must be evident in the recording. If exigent circumstances exist which prevent the officer from providing notice, notice must be provided as soon as practicable (50 ILCS 706/10-20).

Officers should remain sensitive to the dignity of all individuals being recorded and unless recording with a body-worn camera is required, exercise sound discretion to respect privacy by discontinuing recording (Buffering Mode) whenever it reasonably appears to the officer that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by officers to stop recording should be considered using this same criterion. Recording (Event Mode) should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is an officer expected to jeopardize their 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 reasonably practicable.

Activation of the body-worn camera is not required when exchanging non-law enforcement-related information with other officers or during breaks, lunch periods, engaged in administrative tasks that do not involve law enforcement-related activities, or when the officer is not in service. While on duty, the device should remain powered on and in either Buffering Mode or Event Mode.

447.5.1 CESSATION OF RECORDING

Once activated (Event Mode), the portable recorder should remain on continuously until the officer reasonably believes that their direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recordings may be stopped and the device switched to Buffering Mode, during significant periods of inactivity such as report writing or other breaks from direct participation in an incident.

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Body-worn cameras shall be turned off (Buffering Mode) when a victim, witness or community member reporting a crime requests that the camera be turned off. The request should be captured on the recording. However, an officer may continue to record or resume recording (Event Mode) a victim or witness if exigent circumstances exist or the officer has a reasonable articulable suspicion that the victim or witness has committed or is in the process of committing a crime. Under these circumstances, the officer should indicate on the recording the reason for continuing to record despite the request of the victim or witness (50 ILCS 706/10-20).

Officers may enter Buffering Mode on the body-worn camera when the officer is engaged in community caretaking functions unless the officer believes the individual on whose behalf the officer is performing the community caretaking function has or is in the process of committing a crime. If exigent circumstances exist which prevent the camera from being turned on (Event Mode), the camera must be entered into Event Mode as soon as practicable.

Body-worn cameras worn by officers will be deactivated (Buffering Mode) upon the order of the ranking supervisor at any event that involves an officer-involved death investigation, firearm discharge, or any other use of force incident that results in significant injury to an officer or any other person once the ranking supervisor determines the scene is secure.

NOTE: A scene may be considered secure when the offenders are in custody or otherwise not in the area, medical aid has been requested/administered or fire personnel/paramedics are on the scene, the involved officers have been identified and no further law enforcement-related activities are anticipated.

Officer-worn body cameras may enter Buffering Mode when the officer is inside a correctional facility (does not include the Crystal Lake Temporary Detention Facility) or a courthouse which is equipped with a functioning camera system. Officers shall enter Buffering Mode on the body-worn camera during any court-related manner, to include pre-trial conferences, depositions, or any other activity in the courtroom.

447.5.2 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).

However, officers using body-worn cameras are not prohibited from recording a private conversation if the person is provided notice of the recording and proof of that notice is captured on

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the recording. If exigent circumstances exist that prevent the officer from providing notice, notice must be provided as soon as practicable (50 ILCS 706/10-20).

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

447.5.3 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 be completely powered down or not worn where an explosive device may be present.

447.6 UNINTENTIONAL ACTIVATION

In the event of an unintentional activation of a portable recorder during non-enforcement or non-investigative activities (e.g. - restroom or meal break, other areas where reasonable expectation of employee privacy exists) a Department employee may request the recording be deleted. A correspondence detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the employee's Commander. If approved, the actual deletion requires two-party authorization. One of those parties will be the employee's Commander; the other will be the Body-Worn Camera Coordinator. In the event that the employee's Commander and the Body-Worn Camera Coordinator are one in the same, an additional Restricted Administrator will be required. Only the Body-Worn Camera Coordinator shall facilitate the actual removal of any record approved for deletion. Records related to any request for the deletion of media shall be maintained by the Body-Worn Camera Coordinator.

447.7 PROHIBITED USE OF PORTABLE RECORDERS

Officers 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.

Officers 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. Officers shall not duplicate or distribute such recordings, except for authorized legitimate Department business purposes. All such recordings shall be retained at the Department.

Officers are prohibited from using personally owned recording devices while on-duty without the express consent of their Unit Commander. Any officer who uses a personally owned recorder for Department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

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Recordings shall not be used by any employee for the purpose of embarrassment, intimidation or ridicule or in violation of any other Department or City policy.

An officer may not prevent an individual, who is not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties in a public place or when the officer has no reasonable expectation of privacy. However, this provision does not prevent an officer from taking 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 (Policy 465: Public Recording of Law Enforcement Activity).

447.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, officers should download recordings in accordance with procedure and document the existence of the recording in any related case report.

A officer shall notify their supervisor when the officer reasonably believes:

- (a) The recording contains evidence relevant to potential civil or administrative matters.
 - (b) A complainant, victim or witness has requested non-disclosure.
 - (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
 - (d) Disclosure may be an unreasonable violation of someone's privacy.
 - (e) Medical or mental health information is contained.
 - (f) Disclosure may compromise an undercover officer or confidential informant.
 - (g) The recording or portions of the recording may be exempted from disclosure under the Freedom of Information Act or the Law Enforcement Officer-Worn Body Camera Act (5 ILCS 140/7.5; 50 ILCS 706/10-20).
- Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the officer should promptly notify a supervisor of the existence of the recording.

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447.9 REVIEW OF RECORDED MEDIA FILES

For the purposes of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to only those personnel responsible for those purposes, as determined by the Body-Worn Camera Coordinator. The recording officer or his or her supervisor may not redact, label, duplicate or otherwise alter the recording officer's camera recordings. Officers and their supervisors may categorize recordings to ensure proper identification of the recording and/or association of the recording to a report. Except as otherwise provided in this section, the recording officer and his or her supervisor may access and review recordings prior to completing incident reports or other documentation, provided that the officer and supervisor discloses that fact in the report or other case related documentation. For the purposes of this section, a supervisor is deemed to have disclosed the fact an officer reviewed recordings prior to completing incident reports or other documentation with their signature approving an officer's report where the officer affirmatively states in the report that the officer reviewed the video recording related to the incident identified in the report. Officers should not use the fact that a recording was made as a reason to write a less detailed report. Officers may not view any recordings from a device other than devices approved by the Chief of Police or their designee. Officers shall not access and/or review videos from an employee owned personal device without permission from the Chief of Police or their designee.

A law enforcement officer shall not have access to or review his or her body-worn camera recordings or the body-worn camera recordings of another officer prior to completing incident reports or other documentation when the officer:

- a. Has been involved in or is a witness to an officer-involved shooting, use of deadly force incident, or use of force incidents resulting in great bodily harm;
- b. Is ordered to write a report in response to or during the investigation of a misconduct complaint against the officer.

If the officer subject to either condition noted above prepares a report, any report shall be prepared without viewing body-worn camera recordings, and subject to supervisor's approval, officers may file amendatory reports after viewing body-worn camera recordings. Any supplemental reports prepared under this provision shall also contain a statement that the officer reviewed the video prior to preparing the supplemental report.

The recording officer's assigned field training officer may access and review recordings for training purposes. Any detective or investigator directly involved in the investigation of a matter may access and review recordings which pertain to that investigation but may not have access to delete or alter such recordings.

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

Recorded files may also be reviewed:

(a) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(b) By media personnel with permission of the Chief of Police or their authorized designee.

(c) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy and the Freedom of Information Act.

All recordings should be reviewed by the Custodian of Records/Freedom of Information Officer prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

Any officer or employee who knowingly and intentionally fails to comply with this policy and/or alters or destroys body worn camera footage is subject to disciplinary action up to and including termination of employment.

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447.9.1 ACCESSING LIVE MEDIA

If the assigned body-worn cameras are capable of providing live streaming video feeds that can be viewed remotely, access to these applications will be limited to those holding the rank of sergeant or above. These applications are to assist supervisory personnel during events of a critical nature in order to provide timely data useful in making informed decisions. Events of a "critical nature" include:

(a) Planned high risk events, including warrant services and protests;

(b) Unplanned high risk events, including active shooters and hostage situations;

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(c) Officer safety events, including incidents where an officer's current location or condition are not known and attempts to contact the officer are not successful; or

(d) As determined by the Chief of Police or their designee.

If practical, supervisors accessing live video feeds should notify the officer(s) equipped with the body-worn camera being viewed remotely.

447.10 BODY-WORN CAMERA COORDINATOR

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

(a) Identifying officers who are assigned body-worn cameras.

(b) Identifying employees permitted to access recordings in order to redact, label or duplicate recordings.

(c) Ensuring body-worn cameras 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 an officer 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 employee review of recordings.

6. Providing an annual report to the ILETSB pursuant to 50 ILCS 706/10-25.

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7. Ensuring the Department uses authorized body-worn camera recording media (50 ILCS 706/10-10).

447.11 RETENTION OF RECORDINGS

Recordings made on officer-worn cameras must be retained by the Department, or by the camera vendor used by the agency, on a storage platform for a period of no less than 90 days. Under no circumstances shall any recording, except for a non-law enforcement related activity or encounter, made with an officer-worn body camera 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 body camera is altered, erased, or destroyed prior to the expiration of the 90-day storage period, the Department shall maintain, for a period of one year, a written record including the name of the individual who made such alteration, erasure, or destruction, and the reason for any such alteration, erasure, or destruction. The Department Coordinator is responsible for maintaining these records.

All recordings other than those made with body-worn cameras shall be retained for a period consistent with the requirements of the Department's records retention schedule but in no event for a period less than 90 days unless the recordings are made a part of an arrest or the recordings are deemed evidence in any criminal, civil, or administrative proceeding and then the recordings must only be destroyed upon a final disposition and an order from the court (720 IL-CS 5/14-3(h-15)).

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 their 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.
- (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.

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(g) With supervisor approval, the recording officer requests that the video be retained for official purposes related to their 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 for a period longer than 90 days 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.

447.12 SUPERVISORS RESPONSIBILITIES

Supervisors shall ensure officers equipped with body-worn cameras utilize them in accordance to policy and training.

Upon receiving notice from an officer of technical difficulties, failures, or problems with the officer worn body camera or associated equipment the supervisor shall make every reasonable effort to facilitate the correction and repair of any of the officer worn body camera equipment.

When a supervisor becomes aware that a recorded incident has the propensity to generate community interest, the supervisor shall review only those recordings relevant to their investigative scope and conduct further investigation that they deem appropriate. The supervisor is responsible for forwarding the information via the chain of command.

Monthly, supervisors will randomly review a minimum of 2 recordings pertaining to officers under their responsibility to ensure that the equipment is operating properly and that officers are using the cameras appropriately and in accordance with policy and training. Supervisors shall document their review on a Camera Supervisor Review form and forward to their Unit Commander.

Recordings may not be reviewed arbitrarily for disciplinary purposes. Recordings will be reviewed when a complaint of misconduct has been made or discovered, as part of an investigation, for corroboration of misconduct, or as part of the supervisory use of force or resisting/obstructing review.

Supervisors shall identify any areas in which additional training or guidance is required.

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Recordings shall not be used to prepare performance evaluations, unless used for the purpose of correcting substandard officer performance that was brought to the supervisor's attention prior to the preparation of the evaluation.

In general, minor infractions and minor deviations from department policy observed through random reviews of the recordings will not be subject to the disciplinary process and will be treated as a training opportunity.

447.13 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.