



Illinois Body-Worn Camera Update

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ILACP Body-Worn Camera Seminar
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NATIONAL DEVELOPMENTS

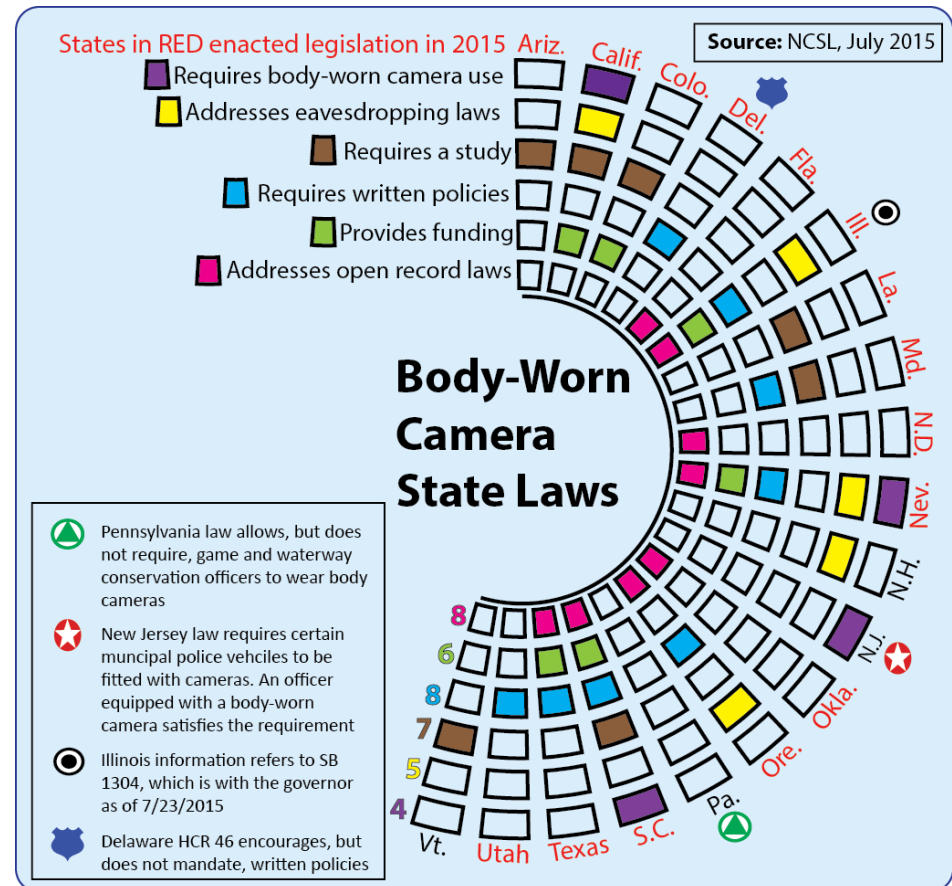
Body-Worn Camera (BWC) Technology Adoption Nationwide

- \$20M appropriated in 2015 to USDOD to fund body-worn camera programs for local law enforcement (limited to equipment purchase only)
- An additional \$15M may be appropriated for 2016
- Available funding cannot be used for data storage costs (generally recognized as the most significant cost of the program)
- Camera programs vary greatly on storage and operational issues

NATIONAL DEVELOPMENTS

STATE LEGISLATION

- The National Conference of State Legislatures (NCSL) reported (as of July 2015) that 37 States considering body camera legislation during 2015 with 15 states adopting new legislation
- The NCSL reports that as of July 2015, 19 states have adopted body camera legislation



ILLINOIS DEVELOPMENTS

Law Enforcement Officer-Worn Camera Act

- Part of the Police and Community Relations Improvement Act (Amendment 1 to SB 1304)-approved by House 28 MAY 2015 and Senate on 30 MAY 2015
- Signed by Governor on August 12, 2015 as PA 099-0352--most provisions effective January 1, 2016
- Specified equipment requirements--effective as of July 1, 2015
- Requires implementing regulation by Illinois Law Enforcement Training and Standards Board (ILETSB)

ILACP POSITION

BWCs - ILACP's Top Legislative Priority in 2015

- Initial legislative proposals were much more onerous than the SB 1304
- Negotiations involved multiple interested parties (Chiefs, Sheriffs, Prosecutors, Manufacturers, and ACLU)
- Negotiations on SB 1304 were further complicated when the legislative sponsors decided to insert legislation on other police reforms into SB 1304
- ILACP sent the Governor a letter requesting a veto of certain portions of the SB 1304 but no changes were made

PA 099-0352—KEY PROVISIONS ON BWCs

EQUIPMENT SPECIFICATIONS:

- 30 second pre-event recording
- 10 hour battery life

OPERATIONAL ISSUES:

- ILETSB to create regulations
- Generally camera must be on when performing law enforcement functions (exception for exigent circumstances victim/witness request, confidential information)
- Need not be on for a community caretaker function
- Need not be on in the patrol car (if the car is equipped with video)
- Officer needs to provide notice of recording
- Agency must have a regular maintenance program
- Annual reporting requirements are imposed



PA 099-0352—KEY PROVISIONS ON BWCs

RETENTION:

- Unflagged Data must be retained for 90 days then destroyed.
- Data can be “flagged” for:
 - Formal or informal complaint
 - Encounters involving use of force, weapons discharge or death or great bodily harm
 - Arrest or detention
 - Determination of evidentiary value in criminal prosecution (Supervisor Prosecutor or Court)
 - Internal investigation
 - Official request of officer
- Flagged Data is retained for two years.
- Data used in civil or criminal proceedings must be retained until after final disposition and order of court
- NO ALTERATION DURING THE RETENTION PERIOD

PA 099-0352—KEY PROVISIONS ON BWCs

DISSEMINATION/FOIA:

- Unflagged Data (or Flagged Data, which was not Flagged for the reasons below)—Not Subject FOIA except where the FOIA comes from the subject of the video, the officer, or their legal representatives
- Data Flagged for: complaint; use of force; firearms discharge; arrest or detention; or death and great bodily harm (where there is no expectation of privacy by the subject)--Subject to FOIA
- Data Flagged for: complaint; use of force; firearms discharge; arrest or detention; or death and great bodily harm (where there is an expectation of privacy by subject)--Subject to FOIA where subject is a [victim or witness] and the agency gets written permission
- No FOIA for data otherwise exempt from FOIA
- Agency is obligated to redact

PA 099-0352—KEY PROVISIONS ON BWCs

OTHER PROVISIONS:

- Must be disseminated consistent with evidentiary and Supreme Court Rules
- Can be used as evidence
- Can only be used for officer discipline in certain circumstances
- Adverse inference instruction required where there is a failure to record or improper alteration or destruction of data
- Written policy is required (ILETSB will provide Guidance)
- Officer Training is required (ILETSB will establish that training)

BWC COST CONSIDERATIONS

POSITIVE:

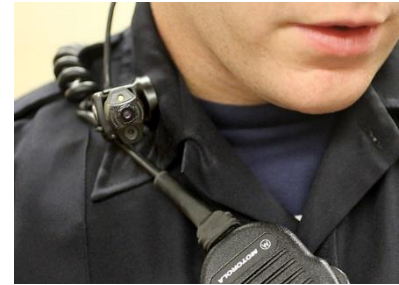
- PA 099-0352 creates a grant funding program for BWCs
- Potential liability and prosecution cost reductions

NEGATIVE:

- Grant funds (state and federal) can be used for purchase of body-worn cameras (state grant funds also for purchase—but not installation--of in-car cameras) and officer training
- Significant unfunded costs including:
 - Maintenance
 - Administration
 - Reproduction/Redaction
 - Storage
 - New reporting requirements
 - Integration with other image data systems and inputs
 - Labor cost camera issue and data download

OTHER BWC CONSIDERATIONS

- Enhancing community confidence through greater transparency and more complete narrative
- Potential of improved conduct and reduced violence from offenders
- Potential of improved conduct and reduced use of force from officers
- More certitude in disciplinary investigations
- Reduced citizen complaints



OTHER BWC CONSIDERATIONS

- Discipline for failure to follow policy
- Equipment concerns
 - Officer safety in camera positioning
 - Officer point of view versus data collection (enhanced optics and night vision)
 - Ease of use
 - Environmental considerations
 - Download process and location
 - Integration with other operating systems
- Coordination with external agencies (State's Attorneys and Courts)
- Complete solution for all digital evidence

DHS FIRST RESPONDER OF THE FUTURE

- Enhanced sensory capabilities
- Real time connectivity
- Location tracking
- Biometric monitoring
- Next generation uniform materials
- “Boots on the Ground” situational awareness

Image Source *Fedscoop*, “DHS Sees Wearables as Future for First Responders,” cited at <http://fedscoop.com/dhs-wearables-first-responders/> (accessed September 12, 2015) .



DHS ROADMAP



Image source: DHS , S&T, *National Conversation on Homeland Security Technology*, “Responder of the Future Dialogue, Section 5.1, Wearables for Responder Situational Awareness and Health Monitoring,” July 29, 2015 cited at <http://scitech.ideascale.com/community-library/sub-1/894256/Excerpt---Wearables.pdf> (accessed September 12, 2015).

THOUGHTS ON WIRELESS TECHNOLOGY

Wireless Alternative to Current “Forensic Focused” Solutions

- Cameras move to real time operational tool
- Back up to land mobile radio
- Enables situational awareness
- Enables real time support
- Officer safety focus
- Real time alerts
- Better resource utilization
- Focus on providing tools for enforcement/safety not a “nanny cam”



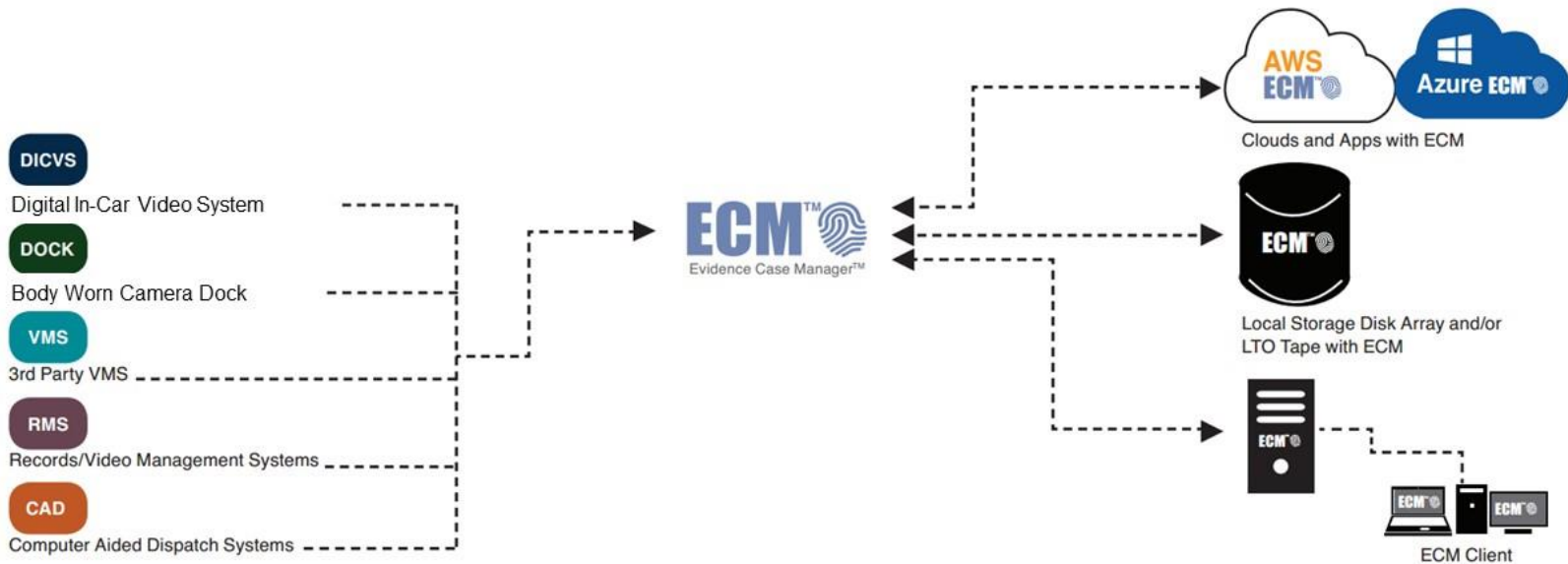
THOUGHTS ON META DATA

The Power of Captured Meta Data

- “Meta Data” is data that describes other data. Text that describes video
 - Triggers - Alarms and alerts about incidents in progress or event marking
 - Enables searching
 - Enables integration to other systems
 - Enables separation of video from meta data for storage
 - Enables “need to know” security
 - Enables “big data” analytics for predictive modeling
 - Eases redaction effort
- Examples:
- GPS - Location, date, time
 - Accelerometer - speed of travel, direction of travel
 - MEMS - proximity sensor, metal detector
 - Biometric - Heart rate, breathing, pace, blood pressure
 - Utility belt - weapon drawn, or use of handcuffs, baton, pepper spray, stun weapon
 - Vehicle - status, proximity, gunlocks
 - Radio - SSID present, signal strength, other devices

CONSOLIDATED ARCHITECTURE

All Data Feeds-One Evidence Content Management System



ILACP NEXT STEPS

Body-Worn Camera Issues Will Require Further Action

- Begin discussion with ILETSB and other interested parties over operational and training issues to be captured in legislatively mandated ILETSB guidance and training
- Development of an internal ILACP training program for member agencies contemplating body-worn camera programs
- Keep membership apprised of legislative and regulatory developments

RESOURCES



Department of Justice, Bureau of Justice Assistance
Body Worn Camera Toolkit

<https://www.bja.gov/bwc/>

QUESTIONS

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