



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

Report on Non-Compliance with Body-Worn Camera Regulations

Andrea Kersten
Interim Chief Administrator

March – May
2021

Beginning in 2020, COPA initiated a review of Department member non-compliance with Body-Worn Camera (BWC) regulations to determine whether Department members were engaged in a pattern or practice of non-compliance and to determine the extent of and reasons for non-compliance.

COPA reviewed data from its own investigations between January 2018 and August 2020, including interviews of Department members.



Key Findings

- Department members frequently cited insufficient training on BWC regulations, unfamiliarity with equipment, and uncertainty on the conditions under which BWC should be used as reasons for untimely activation or failure to activate in accordance with regulations.
- For the majority of COPA cases reviewed, the underlying complaint or notification giving rise to the investigation was serious in nature (i.e., excessive force, 4th Amendment search/seizure, false arrest, and officer-involved shooting).
- For the COPA cases reviewed, Districts 11, 15, and 6 had the highest number of BWC non-compliance allegations and sustained findings.
- COPA's review of Department Investigatory Stop Report and Tactical Response Report data appears to confirm findings from the review of COPA's own investigations.

COPA made seven (7) recommendations to improve members' use of BWC and compliance with regulations in the areas of training, policy revisions, equipment issuance, data collection, compliance audits, and technology enhancements. The Department agreed to (in full or in part) or took under advisement some of COPA's recommendations, though declined or indicated an inability to comply with others.

COPA Recommendations & Chicago Police Department Responses

COPA Recommendation

Revise policy to incorporate provisions restricting Department members to non-law enforcement activity if the member has not been issued BWC equipment, or the BWC equipment issued is not functioning properly or is not capable of functioning properly for the duration of the assigned member's tour of duty.

Enhance training by:

(a) modifying training protocols to incorporate actual or staged BWC recordings to demonstrate proper conformance and provide examples of non-compliance to enhance learning and contextualize BWC compliance expectations;

Department Response

While the Department understands the impetus behind this recommendation it would have a chilling impact on deployments especially in emergency situations. It would also have a negative impact on officer safety by removing full-duty officers from field operations. Specifically, the example given by COPA as to why this recommendation is offered, the events in May 2020 in Chicago. That was a time of emergency in which the entire Department was deployed. Since that time the Department has taken steps to correct this issue of officer deployments without their BWC and has issued additional BWC. Moreover, the current draft of [Special Order] S03-14 does not have a provision for the removal of an officer from law enforcement activity when their BWC is not operational. In addition, the recommended change would encompass all members and not just those interacting with citizens during calls for service.

This recommendation will be forwarded to the Training Academy to determine in what ways it can be used to supplement and build on the training that currently exists. That said it is important to note training that [the] Department currently utilizes. Regarding (a), the Training and Support Group (TSG) has protocols for instruction on BWC policy and operation of the BWC in recruit curriculum. The instruction also includes interactive use of the BWC and how to review BWC videos in the AXON platform.

COPA Recommendation

(b) re-enrolling all Department members in updated BWC e-learning that incorporates elements of (a) above to address concerns that, despite experience with BWC equipment, non-compliance concerns persist; and

(c) incorporating BWC devices (real or mock/inactive) in Use of Force training to better acclimate new members to the devices prior to deployment in the field, as well as identify opportunities to integrate devices into in-service training or recurring qualification requirements for existing members, such as through firearms and weapons qualification programs, to reinforce device usage expectations that are compliant with Department requirements.

The Department re-evaluate disciplinary protocols for failure to activate, delayed activation, and premature deactivation of BWC. Specifically, to gauge whether Departmental efforts to implement discipline, and the amount of discipline implemented, have the intended impact of deterring non-compliance among Department members.

For that re-evaluation COPA notes that, unlike S03-14 (Body Worn Cameras), Special Order S03-05 (In-Car Video Systems) contains the following explicit statement regarding member discipline for non-compliance: “Department members who fail to use the in-car video systems installed in Department vehicles or do not comply with the policies and procedures outlined in this directive **will be subject to disciplinary action, up to and including discharge.**”

Department Response

Regarding (b), the Training and Support Group has three (3) e-Learning modules pertaining to policy and operations of the BWC. Two modules are for all users with the third module addressing supervisor responsibilities. These modules can be used for re-enrollment for members who have been identified as requiring additional training at the direction of the Deputy Chief of the Training and Support Group or other command staff as needed or required.

Regarding (c), the Training and Support Group has incorporated BWC’s in recruit training which includes use of force training during integrated exercise. The TSG is in the process of instituting BWC’s into In-Service programs.

Current draft S03-14 specifically addresses disciplinary protocols in Item II.F. where it is stated, “Any Department member who knowingly fails to comply with this directive will be subject to progressive discipline, training and other remedial action according to current Department policies and consistent with Illinois Officer-Worn Body Camera Act (50 ILCS 706/10).”

Regarding “gauging” Departmental disciplinary efforts to determine meaningful impact toward compliance; the current SPAR [Summary Punishment Action Request] system does not specifically have a category for BWC related infractions. Identifying such is currently the subject of a matter that is currently pending with [the] Illinois Labor Relations Board. Once the Department receives the opinion on this matter it will proceed accordingly and will consider this recommendation in its determination.

COPA Recommendation

Routinely audit member compliance to gauge the effectiveness of training and understanding of the technology and regulations—not for disciplinary purposes—and publicly publish the audit reports.

Department Response

The [D]epartment regularly utilizes two main avenues for gauging the effectiveness of training and understanding of the BWC technology and regulations, the Force Review Division (FRD) and Body Worn Camera Random Video Reviews conducted by Watch Operations Lieutenants [WOL] in their respective districts. Specifically, the Bureau of Patrol (BOP) consults with the FRD regarding a variety of topics under their purview, as well as, the usage of BWC during use of force incidents is tracked by FRD and reported on quarterly with an annual report that was recently published on 28 April 2021.

BOP is currently developing protocols for WOLS to use a Random Video Review (RVR) platform which will randomly assign a BWC video to a WOL for review. This platform will remove the human selection component for selecting BWC video that is currently in place. The RVR platform was developed by the Department's Clarity Team.

Further, the Department utilizes its Audit Division to conduct audits on specific issues and areas of compliance with the consent decree as well as other issues that arise throughout the year. To the extent that there is additional audit work that can be done on auditing BWC that is not already incorporated into the current audits being conducted, the Department will discuss this with the Audit Division to determine how to best proceed.

COPA Recommendation

Department Response

Issue BWC to every sworn Department member when not engaged in confidential field duties.

All field deployed members of BOP have received BWC. As of 13 May 2021, the Community Safety Team has been issued 845 BWC; Critical Incident Response Team has been issued 181 BWC; Summer Mobile Patrol has been issued 140 BWC; and Central Detention has been issued 25 BWC.

Furthermore, there are current assessments being made to issue BWC to members who participate in the performance of activities pertaining to search warrants within the Bureau of Counterterrorism and S.W.A.T. In addition, search warrant policy has been revised to state that all members who are participating in the service of a search warrant will have functioning BWC. The Department is aware of the recently passed changes to Illinois Law regarding the need for BWC and intends to come compliant by the effective date of this change.

Expand data collection efforts beyond whether an Investigatory Stop is captured on BWC to include reasons for the absence of a BWC recording (i.e., equipment malfunction, failure to activate, non-issuance of equipment to the Department member, etc.).

The Department will consult with the Public Safety Administration to discuss options available to adopt this recommendation in its current technology. That said, the Department is limited by the technology limitations that currently exist.

The Department evaluate automatic activation features and consider establishment of a pilot program to explore the feasibility of implementing those features.

At this time, the features available through the vendor, Axon Enterprise, Inc., are cost prohibitive to the Department. The Department will recommend to our technology partners at the Public Safety Administration to continually assess the availability of these enhancements and their feasibility with [D]epartment operations.

COPA acknowledges the Department's efforts to continue bolstering the BWC program in the period since the issuance of COPA's report and is heartened to hear that the Department agrees that BWC is an important tool to help build the trust of the community through commitment to procedural justice, transparency, and accountability. COPA encourages the Department to continue to assess our recommendations, particularly in coordination with the Public Safety Administration, and make meaningful incremental steps toward further policy refinement, training enhancement, data collection and analysis, and evaluate incorporation of features that may mitigate instances of non-compliance with BWC regulations.

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Appendix A
COPA Cover Letter & Report
March 31, 2021



March 31, 2021

David O. Brown
Superintendent
Chicago Police Department
3510 South Michigan Avenue
Chicago, Illinois 60653

Re: Report on Non-Compliance with Body-Worn Camera Regulations

Dear Superintendent Brown:

Pursuant to Municipal Code of Chicago (MCC) Section 2-78-130, the Chief Administrator of the Civilian Office of Police Accountability (COPA) is empowered and has a duty to make recommendations to the Superintendent of the Chicago Police Department. To fulfill this mission, as outlined in Sections 4.4.1 and 4.4.2 of COPA's Rules and Regulations (effective April 13, 2018), the Chief Administrator may make recommendations that are intended to promote best practices in policing, to address specific gaps in policy and training, or to improve the integrity and transparency of the Department's operations and performance.

The enclosed report, which follows several prior reports and letters addressing Department member non-compliance with Body-Worn Camera (BWC) regulations, summarizes COPA investigative outcomes to determine the extent of and reasons for Department member patterns of non-compliance between January 1, 2018 and August 31, 2020. COPA evaluated its investigative data, publicly available Department data related to Investigatory Stop Reports, as well as reports produced by the Department's Force Review Division. Overall, the results raise significant concerns regarding the need for enhancements to and clarifications of Department directives and related BWC training; the underutilization of available BWC features; and the need for consequences when BWC regulations are not followed. Our resulting recommendations, detailed further within the report, are aimed at building public trust and respect by bolstering the BWC program through improved training, targeted compliance reviews, and technology enhancements.

Thank you for your time and consideration of these issues. We respectfully request a response to our recommendations along with a detailed explanation of how and when the Department intends to address the BWC issues identified by COPA in this report. In accordance with MCC Section 2-78-130(b), this response is due within 60 days but no later than May 30, 2021. COPA will publish

this letter, COPA's report, and the Department's response, if any, on the COPA website after the 60-day response period has passed.

Respectfully,



Sydney R. Roberts
Chief Administrator

cc: Eric Carter, First Deputy Superintendent, Chicago Police Department
Dana O'Malley, General Counsel, Chicago Police Department
Leslie Silletti, Chief of Staff, Chicago Police Department
Robert Boik, Executive Director, Chicago Police Department
Karen Konow, Chief of Bureau of Internal Affairs, Chicago Police Department
Maurice Classen, Chief of Staff, Office of the Mayor
Angie Weis, Senior Advisor for Public Safety, Office of the Mayor
Christopher Taliaferro, 29th Ward Alderman, Chicago City Council
Kevin Connor, General Counsel, COPA
Andrea Kersten, Chief of Investigative Operations, COPA

Executive Summary

Chicago and its police department have been challenged to conduct policing practices in ways that are more respectful of the public and with greater transparency so that police can be held accountable for misconduct when it occurs. Recent events, such as the Chicago Police Department's (Department) handling of the protests that arose on the heels of the tragic death of George Floyd and the public scrutiny surrounding the Department's practices related to the acquisition and execution of search warrants, continue to highlight a fundamental need for the Department to take thoughtful and legitimate steps toward reform to build trust with the community it serves.

One key to accomplishing those goals is the consistent and proper use of Body Worn Camera (BWC) by police. These cameras present valuable opportunities for the Chicago Police Department to instill vital trust and legitimacy in their policing practices, and support in the conduct of a Civilian Office of Police Accountability (COPA) investigation into alleged police misconduct and violations of Department regulations.

We initiated this review by looking at COPA investigative outcomes to determine the extent of and reasons for Department member non-compliance with BWC regulations and whether Department members were engaged in a pattern or practice of non-compliance.

Our study examined quantitative and qualitative data from 96 COPA investigations opened between January 1, 2018 through August 31, 2020 that included 186 allegations of BWC non-compliance, data from more than 290,000 Department Investigatory Stop Report (ISR) records, as well as Department Tactical Response Report (TRR) data from 2018 and 2019.

We have observed the benefits of BWC, but also have found it troubling that some COPA investigations into serious allegations of misconduct, as well as the mandatory investigations of Officer Involved Shooting (OIS) incidents, have occurred without timely BWC activation to capture critical evidence.

Prior to issuance of this report, COPA issued four different communications to Department Superintendents, in which we observed the social and investigative benefits of BWC and identified various issues that needed to be addressed. These prior communications began in December 2017, with the most recent transmitted in August 2020 citing the Department's failure to issue BWC equipment to the newly created Community Safety Team (CST). Each of these communications highlighted issues with BWC deployment, non-compliance, enforcement, training, and equipment.¹ In prior communications, COPA expressed concern that the Department was not availing itself of opportunities for healing, trust and transparency.

¹ COPA Report on Advisory Letter Regarding Log Number 1086022 (3/20/2018). COPA Report on the Chicago Police Department Response to COPA Advisory Letter Recommendations IN RE: Member Failure to Activate Body Worn Cameras in Incidents Resulting in Firearm Discharge (9/30/2019). COPA Letter to Superintendent David Brown Addressing George Floyd Protest Complaints (8/7/2020). COPA Letter to Superintendent David Brown Addressing Issuance of BWC to the Department's Community Safety Team (8/11/2020).

This report addresses COPA's review of alleged member non-compliance with Special Order S03-14 (Body Worn Cameras),² Education and Training Bulletin (ETB) #17-03 (Body Worn Cameras), the Illinois Law Enforcement Officer-Worn Body Camera Act (50 ILCS 706/), and the federal Consent Decree entered in *Illinois v. Chicago*,³ to wit, the failure to properly and consistently activate and deactivate BWC as required.

While COPA's examination does not prove widespread intentional violations of BWC policy and law, our research does suggest that there is, in fact, a pattern of disregard for BWC regulations which manifests itself in the practice of non-use and improper use of BWC equipment. As is shown later in this report, many involved members against whom allegations were sustained by COPA often provided specious justifications for their non-compliance. Further, COPA's supplemental review the Department's ISR and TRR data appears to confirm findings from our review of COPA investigations.

Overall, the results raise significant concerns regarding the need for enhancements to and clarifications of S03-14 and related BWC training; the underutilization of available BWC features; and the need for consequences when BWC regulations are not followed. Finally, the absence of BWC for all sworn members who routinely engage the public in the course of their duties, and non-compliance by those Department members who have been issued the equipment reflects repeated missed opportunities to restore public respect for and confidence in policing by the Department.

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² Two versions of S03-14 were in effect during COPA's review period. The current version of S03-14 has an effective date of 4/30/2018, and there is little difference compared to the prior version, effective 10/17/2017, except for inclusion of additional review responsibilities for supervisors.

³ *State of Illinois v. City of Chicago* (Northern District of Illinois, Eastern Division, Case No. 17-cv-6260)

I. Body Worn Camera Program Objectives – Building Trust and Legitimacy in Policing and Police Accountability

Nationally and locally, the interest of law enforcement and governmental officials in BWC technology rose in response to a number of controversial OIS incidents across the country in 2014 and 2015.

Shootings by police are increasingly met with anger by the public, who attribute racist motives to the involved officers, challenge the legality of their operations, question the legitimacy of policing practices, demand greater accountability from municipalities and police departments, and require reforms to ensure procedural justice in police operations.

In efforts to turn back the tide of public distrust in and loss of respect for law enforcement, cities have turned to the use of BWC technology for officers, intending that recordings of police-civilian encounters – particularly those resulting in injury or death – would support the legitimacy of the police actions in question.

While BWC implementation has many goals, chief among them is the achievement of the procedural justice “elements of quality decision-making and quality of treatment.”⁴

Citizens prefer decisions that are fair, thoughtful, and feature their input, and they likewise prefer decision processes that affirm their dignity and reflect concern about their well-being as expected from a trustworthy authority. Authorities whose decisions reflect procedural justice are posited to be more legitimate in the judgment of citizens and are more likely to elicit compliance and cooperation from them. Conversely, authorities undermine support from citizens when their decisions indicate bias and when they treat citizens disrespectfully or in a cavalier manner. Quality of decision-making and quality of treatment each have two identifiable subcomponents, for a total of four distinct elements that can be mapped onto police treatment of citizens in face-to-face encounters: participation, neutrality, dignity and respect, and trustworthy motives.⁵

The stakes could not be higher for the City and the Department to demonstrate their commitment to procedural justice, transparency, and police accountability.

But those opportunities are lost when the lack of complete BWC evidentiary records compromises not only complainants’ ability to support their misconduct allegation and find justice, but also the ability of the Department and City to effectively defend themselves from unjustified civil litigation claims arising from contested police actions. In addition, a lack of video evidence also affects the ability of involved members to defend themselves from unwarranted disciplinary action and criminal charges.

⁴ Department of Criminal Justice, Rochester Institute of Technology, Justice & Security Strategies, Inc., and Department of Criminal Justice, Temple University, “Assessing the Effects of Body Worn Cameras on Procedural Justice in the Los Angeles Police Department,” *Criminology*, January 2019, p. 209-210.

⁵ *Id.*

It remains to be seen whether all the goals of BWC programs can be achieved, but there are indications that camera recording evidence does help oversight investigators substantiate misconduct claims and to exonerate officers when appropriate.

In its February 2020 report,⁶ the Civilian Complaint Review Board (CCRB) of New York City wrote that between May 2017 and June 2019 the civilian accountability agency was able to reach a clear determination of fact and close 76% of complaints on the merits when there was BWC evidence, compared to 39% without videos.

CCRB also stated it was able to substantiate 31% of the allegations supported by video compared to 13% with no video of any kind.

It also reported that with BWC video recordings it was able to exonerate 30% of the New York City Police Department (NYPD) officers accused of misconduct, compared to only 20% with no videos. Another 14% of allegations were unfounded with video evidence, compared to 11% without it.

But the success of a BWC program heavily depends on how many Department members are assigned cameras and properly use them, as well as how effectively they have been trained on the rules and equipment.

Independent video evidence supporting the lawfulness and propriety of police-public interactions would go a long way to building trust in and showing the legitimacy of policing in Chicago.

II. Methodology

COPA conducted detailed quantitative and qualitative analyses of COPA investigative file materials and data stored within its case management systems, COPA Summary Reports of Investigation (SRI),⁷ Department ISR data, and data related to Department reviews of its own use of force reports, known as TRRs, to determine the scope, extent, and reasons for Department member non-compliance with BWC regulations.

COPA examined Department directives, bulletins, training materials, and rules, as well as state law and requirements of the Consent Decree to identify the regulatory framework governing the use of BWC by the Department.⁸ In addition, COPA reviewed official Department public statements regarding BWC, as well as BWC regulations of other police departments.

Though a complaint of non-compliance with BWC regulations in isolation is not within COPA's jurisdiction, COPA does have the authority to investigate an allegation of BWC non-compliance

⁶ New York City Civilian Complaint Review Board, "Strengthening Accountability: The Impact of the NYPD's Body-Worn Camera Program on CCRB Investigations," February 2020, https://www1.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/issue_based/20200227_BWCReport.pdf, pp. 6, 75.

⁷ Also known as a Final Summary Report (FSR) or Administrative Summary Report (ASR). The SRI is a report which summarizes the content and outcome of a COPA disciplinary investigation.

⁸ The Department originally began its BWC pilot program 2014 and incrementally expanded implementation of the BWC program to all 22 police Districts through December 2017.

in the course of conducting an investigation into other alleged misconduct or incidents falling within COPA's jurisdiction (i.e., improper search or seizure, excessive force, verbal abuse, officer-involved firearm discharges, etc.). Therefore, COPA considered the nature and severity of those underlying allegations and incidents relative to the BWC non-compliance issues.

COPA also looked to the Department's own ISR and TRR data to determine whether it appeared to be reflective of findings related to the analysis of COPA's investigative file materials, data, and SRIs.

Finally, COPA considered the goals and purposes of BWC adoption to provide social context.

a. Authority

COPA's authority to conduct this review is established in the City of Chicago Municipal Code Section 2-78-120:

The Office and Chief Administrator shall have the following powers and duties:

(m) Based on information obtained through investigations ... to recommend to the Superintendent ... revisions to the Police Department's policies, practices, collective bargaining agreements, programs and training in order to improve the accountability, effectiveness, integrity and transparency of the Police Department;

(n) To conduct investigations to determine whether members of the Police Department are engaging in patterns or practices of misconduct, and, where a pattern or practice of misconduct is found, recommend revisions to the Police Department's policies, practices, programs, and training in order to address and eliminate such patterns or practices[.]

III. Regulatory Framework

a. State Law

Pursuant to the Illinois Law Enforcement Officer Body Worn Camera Act, each agency which employs the use of BWC must adopt a written policy governing use of the camera that complies with the Act.⁹ Specifically, if an officer is equipped with a BWC, the Act requires that BWC be activated upon exiting the patrol vehicle for law enforcement-related encounters or activity while the officer is on duty.^{10, 11}

⁹ Historically, state law has not required Illinois law enforcement agencies to implement BWC programs, and regulations governing BWC have only applied to agencies that have elected to implement BWC programs. However, on February 22, 2021, the State of Illinois enacted House Bill 3653, also known as the Police and Criminal Justice Reform Bill, which amends the Law Enforcement Officer Body Worn Camera Act (50 ILCS 706/10-15(b)(1-5)) to require all law enforcement agencies in the State of Illinois to implement programs that equip all law enforcement officers with BWC by January 1, 2025.

¹⁰ 50 ILCS 706/10-20(a)(3)

¹¹ 50 ILCS 706/10-20(a)(3)(B)

b. Department Regulations on BWC

As reflected in the Illinois Law Enforcement Officer Body Worn Camera Act, the implementation of a BWC program requires a legally sound and comprehensible policy for its use. To that end, and to the extent to which the Department has assigned camera equipment to sworn members, it has provided instructions on BWC use aimed at compliance with Department directives.¹² Department Rules and Regulations place upon its members the duty to obey orders and directives, support and promote Department goals and policies, and be attentive in the execution of their duties.¹³

Department Special Order S03-14 (Body Worn Cameras) has been revised three times since May 10, 2016, but the activation/deactivation protocols have remained largely the same. At the start of a member's tour of duty, they are to place their BWC on "buffering mode" before leaving the police station. Buffering continuously captures video but does not commit the video to permanent memory. When a member activates "event mode," the BWC immediately begins recording audio and video as well as the 120 seconds of video¹⁴ before event mode was activated.

The current version of S03-14 requires that, "The Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities," including "investigatory stops."¹⁵ Department Notice D19-01 (Firearm Pointing Incidents) requires activation of a member's BWC whenever the member points a firearm at a person in the performance of his or her duties.¹⁶ S03-14 dictates that the decision to electronically record a law-enforcement-related encounter is mandatory, not discretionary, particularly for:

High-risk situations; calls for service; investigatory and traffic stops; pursuits; arrests; use of force incidents; all searches of people, items, vehicles, buildings, and places; any encounter with the public that becomes adversarial after the initial contact; and any other instance when enforcing the law.¹⁷

S03-14 also requires Watch Operations Lieutenants to review video of any arrest recorded by a BWC; as well as randomly selected BWC recordings.

In addition, Department Bulletin ETB 17-03 states:

Department members are required to visually and physically inspect their assigned BWC to ensure it is fully charged and operational [and] electronically record law-enforcement related encounters [and] activate the BWC to event mode when initiating law enforcement related activities and assisting other police officers.

¹² S03-14 (eff. 4/30/2018); ETB# 17-03 (rev. May 2019)

¹³ Department Rules 2, 3, 5, 6, 10, 11; *see also* G02-03 Community Policing Mission and Vision (eff. 12/31/2020)

¹⁴ In May 2019, the Department revised ETB# 17-03 to extend the video (but not audio) buffering of BWC from 30 seconds to 120 seconds. The Department originally released ETB# 17-03 in July 2017.

¹⁵ S03-14(III)(A)(2)

¹⁶ D19-01(II)(D) (eff. 11/01/2019)

¹⁷ S03-14(III)(A)(1) & (2)

Furthermore, S03-14 states BWC will not be deactivated unless “the entire incident has been recorded and the member is no longer engaged in a law enforcement-related activity.”¹⁸

The Department has identified the following circumstances as signifying the conclusion of a law-enforcement-related activity:

1. the member has cleared the assignment;¹⁹
2. the member leaves the scene of the incident;
3. when an arrestee is being processed or has been transferred; or
4. the highest-ranking on-scene Bureau of Patrol supervisor has determined that the scene is secured in circumstances involving an officer-involved death investigation, firearm discharge, or any other use of force incident.²⁰

S03-04 also assigns supervisors the responsibility to ensure that Department member utilization of Department-issued BWC complies with the directive.

c. Consent Decree

After a broad civil rights investigation into the Department’s policing practices, the United States Department of Justice (DOJ) released results of its investigation in January 2017, finding a longstanding, pervasive “pattern or practice” of civil rights abuses by the Department. Later in 2017, the Office of the Illinois Attorney General sued the City of Chicago in federal court, seeking a Consent Decree that would address the DOJ’s findings. On March 1, 2019, the federal court entered an order making the Consent Decree effective.

The federal Consent Decree²¹ mandates broad police reform across all aspects of the Department, including police training, policies, and practices related to BWC usage. Specifically, the Consent Decree reinforces existing expectations for BWC activation/deactivation reflected in state law and Department directives, as well as imposes additional requirements not presently reflected in Department directives. For example:

- Require that members must articulate in writing or on camera their reason(s) for failing to record an activity that Department policy otherwise requires to be recorded.

¹⁸ S03-14(III)(B)(1)

¹⁹ A “cleared” assignment refers to a Department member indicating by radio transmission to a dispatcher and/or recording through a portable data terminal that the member’s involvement in an assignment has concluded.

²⁰ S03-14(III)(B)(1). The scene may be considered secure when all offenders are in custody or otherwise not in the area, medical aid has been requested/administered or the Chicago Fire Department is on the scene, the involved officers have been identified, and the crime scene has been established.

²¹ State of Illinois v. City of Chicago (Northern District of Illinois, Eastern Division Case No. 17-cv-6260, ¶238)

- Specify that members who knowingly fail to comply with the policy may be subject to progressive discipline, training, or other remedial action.
- Require members to visually and physically inspect the BWC and ensure that it is fully charged, and operational at the beginning of each tour of duty.
- Notify a supervisor as soon as practical if the member's assigned BWC becomes inoperable or is damaged.

IV. Findings and Recommendations

a. Review of COPA Investigations

In brief, COPA identified 186 allegations of BWC non-compliance across 96 separate investigations opened between January 1, 2018 and August 31, 2020. Of those 186 allegations, COPA reached a sustained finding of BWC non-compliance in 68 (37%).^{22, 23}

In reviewing investigative file materials associated with the 68 sustained allegations, COPA observed the following:

- 59% of the sustained allegations were claimed by the involved members to have resulted from:
 - insufficient training on the regulations;
 - unfamiliarity with the equipment; and
 - uncertainty on the conditions under which BWC should be used even though some involved members had been assigned BWC for 1-2 years prior to the date of occurrence.²⁴

²² The remaining 118 allegations of BWC non-compliance either reached a finding other than sustained or were still pending resolution as of August 31, 2020.

²³ In cases where BWC non-compliance allegations were sustained, disciplinary recommendations were communicated to the Department.

²⁴ These concerns are not unique to Chicago. New York City's Civilian Complaint Review Board arrived at similar findings in their report addressing the impact of the New York City Police Department's body-worn camera program. "For policing activities requiring activation, investigators felt that Patrol Guide language stating: '[B]egin recording prior to or immediately upon arrival at the incident location,' left too much room for discretion. Investigators saw great variance in officers' interpretations of when police actions were "concluded," impacting the length and amount of BWC footage received. New York City Civilian Complaint Review Board, "Strengthening Accountability: The Impact of the NYPD's Body-Worn Camera Program on CCRB Investigations," February 2020,

https://www1.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/issue_based/20200227_BWCReport.pdf, pp. 58-59.

COPA reviewed transcripts of member interviews during which investigators addressed allegations of BWC non-compliance, summarized reasons for BWC non-compliance, and tabulated the results as follows:²⁵

Primary Reasons Given by Department Members	
19	Misinterpretation of Directive
15	Unaware No Activation
12	No Excuse (e.g., “I know I should have ...”)
10	Distracted by Safety Concerns or Chaos
6	Forgot
1	Not Assigned BWC
1	Dead Battery
1	Accidental
1	Distracted and Unfamiliar with Equipment
1	Intentional Non-Activation
1	Insufficient Training
Secondary Reasons	
6	Misinterpretation of Directive
5	Insufficient Training
1	Distracted by Safety Concerns or Chaos
1	Unaware No Activation

It is concerning that more than one-third of the involved members told COPA that they were unsure of when and under what conditions they were to activate and/or deactivate the BWC.²⁶

S03-14 and state law allow certain exceptions to their BWC activation requirements (e.g., unnecessary endangerment and exigent circumstances).^{27, 28} Those exceptions pertain to timely activation, but still require activation as soon as possible. However, in their interview statements, involved members cited safety, chaos, and/or distraction as the reason for non-compliance only 15% of the time.

Of the 68 sustained BWC allegations by COPA:

- 49% involved a total failure to activate a BWC;

²⁵ COPA’s review of investigative file materials revealed that, upon being confronted with an allegation of BWC non-compliance, some involved members cited multiple reasons for their non-compliance. For this reason, although 68 allegations were sustained, the number of reasons given totaled 81. COPA categorized a reason as “Secondary” if the Department member offered it during his/her interview after providing an initial (i.e., “Primary”) reason for non-compliance.

²⁶ Of the 63 members associated with the 68 sustained BWC allegations, 22 (35%) had been employed with the Department for 6 or more years when the non-compliance occurred.

²⁷ 50 ILCS 706/10-20(a)(3)(A) & (B), 10-20(a)(4) & (4.5)

²⁸ S03-14(A)(2) & (4)

- 48% involved late BWC activation and/or early deactivation; and
- 3% involved a BWC that was intentionally covered up by the Department member.²⁹

COPA’s analysis of its 68 sustained non-compliance allegations also found that the majority of the underlying misconduct complaints or notifications³⁰ were extremely serious in nature, making the availability of camera recording evidence all the more crucial. In such cases BWC recordings may be the only and best evidence of the encounter.³¹

Underlying Complaint or Notification for Sustained Allegations		%
18	Excessive Force	26%
18	4 th Amendment Search/Seizure	26%
15	False Arrest	22%
9	OIS (5 Fatal)	13%
5	Domestic Abuse	7%
2	Incident in Lock-Up Facility	3%
1	Verbal Abuse	1%

COPA also analyzed its 68 sustained non-compliance allegations relative to each Department member’s assignment at the time of the incident. Police Districts 11, 15, and 6 had the highest numbers of BWC non-compliance allegations issued during COPA investigations, as well as the highest number of sustained allegations. These Districts also are noteworthy for their high rate of violent crimes. In 2019, District 11 (West/Southwest Sides) and District 6 (South Central) recorded the highest number of violent crimes in the city, 2,295 and 1,929, respectively. District 15 (West Side) saw 1,414 violent crime occurrences that year.^{32, 33} The following chart reflects COPA’s findings in greater detail:

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²⁹ In separate investigations involving members responding to incidents of domestic violence involving a fellow Department member, COPA found by a preponderance of evidence that two responding members, one an officer and the other a sergeant, intentionally covered their BWC while interacting with victims. COPA has recommended disciplinary action for both members.

³⁰ For example: OIS incidents, unlawful search/seizure, excessive force, and unlawful arrest.

³¹ Percentages do not total 100 due to rounding.

³² Chicago Police Department Annual Report for 2019,

<https://home.chicagopolice.org/wp-content/uploads/2020/09/19AR.pdf>.

³³ A map detailing the location of Chicago Police Districts, Beats and Community Areas is available at <https://home.chicagopolice.org/community-policing-group/community-map/>.

BWC Non-Compliance Allegations by Assigned Unit			
Assigned Unit	Total BWC Allegations	Total Sustained Allegations	% Sustained
D-1	3	1	33%
D-2	6	2	33%
D-3	0	0	0%
D-4	14	1	7%
D-5	14	4	29%
D-6	14	8	57%
D-7	10	1	10%
D-8	7	4	57%
D-9	1	0	0%
D-10	11	7	64%
D-11	24	7	29%
D-12	4	0	0%
D-14	2	1	50%
D-15	19	9	47%
D-16	5	5	100%
D-17	1	1	100%
D-18	7	4	57%
D-19	6	0	0%
D-20	2	0	0%
D-22	4	3	75%
D-24	0	0	0%
D-25	12	6	50%
44 - Recruit Training Probationary Officer	15	4	27%
610 - Area Central Detectives	1	0	0%
277 - Evidence Technician Section	1	0	0%
Not Designated	3	0	0%

Considering the results of COPA's review, and to encourage the Department to maximize its opportunities for regaining public confidence through consistent BWC usage in accord with Department policies and objectives, COPA makes the following recommendations:

Recommendation 1: Revise policy to incorporate provisions restricting Department members to non-law enforcement activity if the member has not been issued BWC equipment, or the BWC equipment issued is not functioning properly or is not capable of functioning properly for the duration of the assigned member's tour of duty.³⁴

Recommendation 2: Enhance training by:

(a) modifying training protocols to incorporate actual or staged BWC recordings to demonstrate proper conformance and provide examples of non-compliance to enhance learning and contextualize BWC compliance expectations;³⁵

(b) re-enrolling all Department members in updated BWC e-learning that incorporates elements of (a) above to address concerns that, despite experience with BWC equipment, non-compliance concerns persist; and

(c) incorporating BWC devices (real or mock/inactive) in Use of Force training to better acclimate new members to the devices prior to deployment in the field, as well as identify opportunities to integrate devices into in-service training or recurring qualification requirements for existing members, such as through firearms and weapons qualification programs, to reinforce device usage expectations that are compliant with Department requirements.

Recommendation 3: The Department re-evaluate disciplinary protocols for failure to activate, delayed activation, and premature deactivation of BWC. Specifically, to gauge whether Departmental efforts to implement discipline, and the amount of discipline implemented, have the intended impact of deterring non-compliance among Department members.

For that re-evaluation COPA notes that, unlike S03-14 (Body Worn Cameras), Special Order S03-05 (In-Car Video Systems) contains

³⁴ The intent of this policy revision is to enhance transparency and build trust in Department member actions by ensuring that all law enforcement actions are captured on BWC. COPA notes as instructive an investigation into a Department member who directed a homophobic and biased-based slur at a citizen during the George Floyd Protests in May 2020. COPA's investigation determined that a supervisor deployed members without BWC due to low battery capacity and an inability to fully recharge the equipment in advance of the members' next shift. Were it not for video of the incident captured by a third party, the accused Department member may not have been held to account for conduct that so clearly undermines public trust in the Department.

³⁵ When actual BWC recordings are used for such training purposes, the Department should notify the involved member(s) and blur or pixelate the face(s) of the members(s) appearing in the video. Such obfuscation is not necessary for re-enactments created for training purposes.

the following explicit statement regarding member discipline for non-compliance: “Department members who fail to use the in-car video systems installed in Department vehicles or do not comply with the policies and procedures outlined in this directive **will be subject to disciplinary action, up to and including discharge.**” (Emphasis added.)

Recommendation 4: Routinely audit member compliance to gauge the effectiveness of training and understanding of the technology and regulations – not for disciplinary purposes – and publicly publish the audit reports.³⁶

V. Review of Department Investigatory Stop and Use of Force Data

COPA’s supplemental examination of Department data is consistent with concerns observed in COPA’s own investigative data.

ISR and TRR data suggests that BWC non-compliance is significantly more widespread than what is observed in COPA’s review of investigations involving allegations of BWC non-compliance.

For example, ISR data shows that BWC were not used in 53,360 Investigatory Stops³⁷ during 2018 and 2019.

S03-14 requires members to activate their BWC for all Investigatory Stops if doing so does not unreasonably endanger themselves or another person.³⁸

However, despite the mandate, the Department’s ISR³⁹ data shows that of 290,145 adult and juvenile street stops conducted in 2018 and 2019, BWC was not activated or available during (53,560) 18% of them. Similarly, in-car cameras were not used for 48,380 (17%) of the stops.

Yet those street stops resulted in more than 12,090 non-consensual pat-downs, 7,579 searches (beyond a pat-down), and 6,750 arrests – not one of them supported by BWC evidence:

³⁶ For example, the NYPD has multi-tiered levels of review and engages in self-initiated auditing to ensure that officers are properly using cameras and recording when required. Sergeants review a sampling of police officers’ BWC recordings on a monthly basis, which is then reviewed by lieutenants within the command, which is then reviewed by the relevant patrol borough. New York City Civilian Complaint Review Board, “Strengthening Accountability: The Impact of the NYPD’s Body-Worn Camera Program on CCRB Investigations,” February 2020, https://www1.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/issue_based/20200227_BWCReport.pdf, p. 23.

³⁷ S04-13-09. An Investigatory Stop is the “temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.” An Investigatory Stop, also known as an “enforcement stop,” or “street stop,” is not a voluntary contact.

³⁸ S03-14(III)(A)

³⁹ Chicago Police Department ISR Data, <https://home.chicagopolice.org/statistics-data/isr-data/>.

Department Use of BWC During Investigatory Stops				
Totals / Sub-Totals	2018	2019	Total 2018 - 2019	% of Total
Investigatory Stops	132,542	157,603	290,145	————
No Video – BWC or In-Car	45,911	55,829	101,740	35%
No In-Car	21,905	26,475	48,380	17%
No BWC	24,006	29,354	53,360	18%
No BWC – Arrests	3,427	3,323	6,750	————
No BWC – Pat Downs	5,603	6,487	12,090	————
No BWC – Searches	3,574	4,005	7,579	————

What is not immediately ascertainable from the Department ISR data reviewed is how many of the involved members included those not issued BWC equipment (i.e., members assigned to special units, such as gang, gun, and saturation teams in 2018-2019), as opposed to involved members who were issued equipment but failed to record the Investigatory Stop or were otherwise involved in an incident in which an exemption to activation would apply (i.e., members will not unreasonably endanger themselves or another person to conform with activation requirements in S03-14).

On one hand, if the lack of BWC recordings reflected in the ISR data is a result of substantial non-compliance with Department directives, that would be consistent with the reasons for non-compliance provided by Department members in the review of COPA investigations above (i.e., lack of training, unfamiliarity with equipment, and uncertainty related to requirements for activation and de-activation of BWC). On the other hand, if the lack of BWC recordings is a result of non-issuance of equipment, this would only serve to amplify the need for issuance of BWC to every sworn Department member when not engaged in confidential field duties. In either scenario, the end result is a missed opportunity to build trust, legitimacy and accountability so sorely needed.

Two critical outcomes of such non-compliance or non-issuance during street stops are that they most heavily impact Chicago’s minority communities, and again represent lost opportunities to restore public confidence in police among the community members. For example, 68% of the

civilians subjected to Investigatory Stops without BWC were Black, and 22% of the civilians subjected to Investigatory Stops without BWC were Hispanic:⁴⁰

Investigatory Stops Without BWC Recordings By Race 2018-2019	
Black	68.24%
White	8.65%
White Hispanic	22.34%
Black Hispanic	0.01%
Asian / Pacific Islander	0.61%
Unknown	0.07%
Native American / Alaskan	0.08%

The patrol area most heavily impacted by Investigatory Stops in 2018 and 2019 was District 11 (Harrison), which serves the largely minority Humboldt Park, West Garfield Park, and East Garfield Park communities of Chicago:

(This space intentionally left blank.)

⁴⁰ Chicago Police Department ISR Data, <https://home.chicagopolice.org/statistics-data/isr-data/>.

**Investigatory Stops
Without BWC Recordings
By District
2018-2019**

Location	Count*
D-1	1745
D-2	1651
D-3	2605
D-4	1716
D-5	2208
D-6	2739
D-7	3131
D-8	4077
D-9	5466
D-10	5210
D-11	7971
D-12	1778
D-13	<i>Closed</i>
D-14	621
D-15	2677
D-16	1720
D-17	445
D-18	2000
D-19	704
D-20	345
D-21	<i>Closed</i>
D-22	466
D-23	<i>Closed</i>
D-24	698
D-25	2692
Stops outside of Chicago	126
Stops outside of Illinois	5

*Approximate count due to irregularities in the Department ISR dataset.

Similarly, the Department's Force Review Division's First Quarter 2020 report contains recommendations relative to reviews of TRRs.⁴¹ The Division found that although the City-wide BWC non-compliance rate was 17.2% for force incidents reviewed, the BWC non-compliance rate for District 11 was 28.8%.⁴²

In Chicago, since the Department's 2014 BWC pilot program, camera equipment ostensibly has been deployed to "[a]ll sworn members and their immediate supervisors assigned to a Bureau of Patrol district normally assigned to field duties and any other member at the discretion of the district commander."⁴³

The Department reported to the Chicago City Council in August 2020 that of 12,850 sworn officers only 7,937 (62%) had been issued BWC as of that date. Members of special field units such as SWAT,⁴⁴ city-wide gang and narcotics enforcement teams, mass transit, airport operations, canine, crisis intervention, and traffic had not yet been assigned BWC. In addition, the nearly 300 sworn members assigned to the newly formed CST were not issued BWC as of August 2020.

Following the Department's report to City Council, the Department issued a public statement⁴⁵ informing that it was "actively working to equip all gang investigative, saturation and narcotics teams with body-worn cameras," and renegotiating its BWC contract to ensure all officers who interact with the public have the technology. COPA is also aware that the Department has taken steps to issue additional BWC equipment at the end of 2020 and into 2021, including to members of CST, the Crisis Intervention Team, Mass Transit Units, and SWAT.

Recommendation 5: Issue BWC to every sworn Department member when not engaged in confidential field duties.⁴⁶

Recommendation 6: Expand data collection efforts beyond whether an Investigatory Stop is captured on BWC to include reasons for the absence of a BWC recording (i.e., equipment malfunction, failure to activate, non-issuance of equipment to the Department member, etc.).

⁴¹ Directive G03-02-02 requires that a TRR be completed for all police use of force incidents involving civilians.

⁴² The Force Review Division noted that 11th District Tactical Teams accounted for nearly two-thirds of the non-compliance rate. The Force Review Division's Second and Third Quarter 2020 reports note submission and approval of a plan for increased monitoring of tactical units by 11th District leadership to quell the BWC non-compliance concerns and re-enforce compliance expectations. The Force Review Division preliminarily noted improvement in BWC compliance by 11th District tactical teams and committed to continue evaluating progress in subsequent quarterly reports.

⁴³ S03-14(II)(C)

⁴⁴ Though the Department's March 3, 2021 revised Search Warrant directive (S04-19) is amended to require all officers participating in serving a search warrant to wear and activate BWC, previously, SWAT team members did not carry BWC when executing search warrants, but were accompanied by patrol officers who did have BWC. However, patrol officers generally are not the first to enter a building, so their BWC recordings might not show the crucial first moments of police-civilian contact.

⁴⁵ CBS2 Chicago, "City Promises All Officers Will Wear Body Cameras By 2021 After Officers Without Cameras Shoot Man in Englewood," August 11, 2020, <https://chicago.cbslocal.com/2020/08/11/city-promises-all-officers-will-wear-body-cameras-by-2021-after-officers-without-cameras-shoot-man-in-englewood/>.

⁴⁶ This recommendation is intended to align with the Police and Criminal Justice Reform Bill, which amends the Law Enforcement Officer Body Worn Camera Act (50 ILCS 706/10-15(b)(1-5)) to require that, effective July 1, 2021, law enforcement agencies serving a municipality with a population of 500,000 or more equip all members with BWC by January 1, 2022.

VI. Opportunities for Technology Enhancements

The BWC equipment and software utilized by the Department is equipped with features that can wirelessly sync to other members' BWC to automatically activate all BWC within 30 feet, as well as automatically activate a BWC when the front doors of a police vehicle are opened, when emergency lights are activated, when a vehicle crash is detected, and when a firearm or Taser is drawn from its holster.

Also, with GPS and Livestream activations, a supervisor could be alerted to the precise location of a rapidly and dangerously escalating situation and obtain a live-view of the scene - thereby increasing the ability for assistance to arrive in time to bring a situation under control or provide emergency medical assistance.

Automatic activation seemingly can address many BWC non-compliance issues and could certainly address reasons for non-compliance identified by members as related to chaotic or evolving situations.

However, automatic activation cannot ameliorate problems involving premature deactivation. Remediation of those issues requires better and ongoing training/re-training.

Recommendation 7: The Department evaluate automatic activation features and consider establishment of a pilot program to explore the feasibility of implementing those features.

VII. Conclusion

COPA's findings illustrate issues with Department enforcement of its camera directives, its BWC training, and how non-compliance with Department regulations and non-issuance of equipment frustrates the goals of the BWC program to encourage procedural justice in police interactions with the public, reduce the risk of liability for member misconduct, and minimize the risk of harm to members and the public.

Our resulting recommendations focus on regaining the public's trust and respect by bolstering the BWC program through improved training, targeted compliance reviews, and technology enhancements.

COPA does not assert that video, alone, is dispositive of a member's compliance with Department regulations, however the probative value of a video recording as additional material/independent evidence in an accountability investigation cannot be over-emphasized.

Overall, demonstrating to the public that the City and the Department are committed to procedural justice, reform, and accountability is made all the more difficult when, for example, the data reveals sustained BWC non-compliance in nine Officer Involved Shootings - five of them fatal - with none of them supported by a complete evidentiary video record of the incident.

Interview statements of the Department members confronted with BWC non-compliance allegations largely pointed to insufficient training, unfamiliarity with equipment, misunderstanding of the BWC directives and laws, or negligence as the primary factors for non-compliance. Additionally, many interviewed members expressed uncertainty concerning exactly what conditions or occurrences marked the beginning of a law-enforcement-related activity as well as what marked its conclusion.

We appreciate that every police-civilian engagement is different and unpredictable, and also acknowledge that S03-14 attempts to provide guidance relative to activation/deactivation protocols and expectations.⁴⁷ But mere narrative explanations delivered in a directive or training session can, and reportedly are, incorrectly interpreted by some members.

While it is encouraging that Department has stated its intention, and has taken steps in furtherance, to expand issuance of BWC assignments to some of the 4,900 members without cameras as of August 2020, it also portends that many more members will soon join the ranks of those already using equipment they are unfamiliar with and/or do not understand pursuant to directives that others contend are vague and confusing under circumstances that change with every citizen contact.

⁴⁷ S03-14(III)(A) & (B)

Appendix B

Chicago Police Department Response

May 28, 2021



Lori E. Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

David O. Brown
Superintendent of Police

May 28, 2021

Andrea Kersten
Acting Chief Administrator
Civilian Office of Police Accountability
1615 West Chicago Avenue, 4th Floor
Chicago, Illinois 60622

Re: COPA's Report on Non-Compliance with Body-Worn Camera Regulations

Dear Acting Chief Administrator Kersten:

I am in receipt of COPA's Report on Non-Compliance with Body-Worn Camera Regulations in which COPA voices concerns regarding the need for enhancements to and clarifications of S03-14 (Body Worn Cameras); the underutilization of available BWC features; and the need for consequences when BWC regulations are not followed. The Department agrees with COPA's assertion regarding the importance of BWC technology as a tool to help officers continue to build the trust of the community through our commitment to procedural justice, transparency, and accountability. Furthermore, the Report identifies a training need on use of BWC – particularly under what conditions activation and deactivation of BWC is required. This issue will be referred to the Academy for its full consideration. Below the Department sets forth its responses to the seven (7) recommendations contained in COPA's Report.

Recommendation 1: Revise policy to incorporate provisions restricting Department members to non-law enforcement activity if the member has not been issued BWC equipment, or the BWC equipment issued is not functioning properly or is not capable of functioning properly for the duration of the assigned member's tour of duty.

RESPONSE: While the Department understands the impetus behind this recommendation it would have a chilling impact on deployments especially in emergency situations. It would also have a negative impact on officer safety by removing full-duty officers from field operations. Specifically, the example given by COPA as to why this recommendation is offered, the events in May 2020 in Chicago. That was a time of emergency in which the entire Department was deployed. Since that time the Department has taken steps to correct this issue of officer deployments without their BWC and has issued additional BWC. Moreover, the current draft of S03-14 does not have a provision for the removal of an officer from law enforcement activity when their BWC is not operational. In addition, the recommended change would encompass all members and not just those interacting with citizens during calls for service.

Recommendation 2:

Enhance training by:

- (a) Modifying training protocols to incorporate actual or staged BWC recordings to demonstrate proper conformance and provide examples of non-compliance to enhance learning and contextualize BWC compliance expectations:
- (b) Re-enrolling all Department members in updated BWC e-learning that incorporates elements of (a) above to address concerns that, despite experience with BWC equipment, non-compliance concerns persist: and
- (c) Incorporating BWC devices (real or mock/inactive) in Use of Force training to better acclimate new members to the devices prior to deployment in the field, as well as identify opportunities to integrate devices into in-service training or recurring qualification requirements for existing members, such as through firearms and weapons qualification programs, to reinforce device usage expectations that are compliant with Department requirements.

RESPONSE: This recommendation will be forwarded to the Training Academy to determine in what ways it can be used to supplement and build on the training that currently exists. That said it is important to note training that Department currently utilizes. Regarding (a), the Training and Support Group (TSG) has protocols for instruction on BWC policy and operation of the BWC in recruit curriculum. The instruction also includes interactive use of the BWC and how to review BWC videos in the AXON platform.

Regarding (b), the Training and Support Group has three (3) e-Learning modules pertaining to policy and operations of the BWC. Two modules are for all users with the third module addressing supervisor responsibilities. These modules can be used for re-enrollment for members who have been identified as requiring additional training at the direction of the Deputy Chief of the Training and Support Group or other command staff as needed or required.

Regarding (c), the Training and Support Group has incorporated BWC's in recruit training which includes use of force training during integrated exercise. The TSG is in the process of instituting BWC's into In-Service programs.

Recommendation 3:

The Department re-evaluates disciplinary protocols for failure to activate, delayed activation, and premature deactivation of BWC. Specifically, to gauge whether Departmental efforts to implement discipline, and the amount of discipline implemented, have the intended impact of deterring non-compliance among Department members.

RESPONSE: Current draft S03-14 specifically addresses disciplinary protocols in Item II. F. where it is stated, "Any Department member who knowingly fails to comply with this directive will be subject to progressive discipline, training and other remedial action according to current Department policies and consistent with the Illinois Officer-Worn Body Camera Act (50 ILCS 706/10)."

Regarding "gauging" Departmental disciplinary efforts to determine meaningful impact toward compliance; the current SPAR system does not specifically have a category for BWC related infractions. Identifying such is currently the subject of a matter that is currently pending with Illinois Labor Relations Board. Once the Department receives the opinion on this matter it will proceed accordingly and will consider

this recommendation in its determination.

Recommendation 4: Routinely audit member compliance to gauge the effectiveness of training and understanding of the technology and regulations – not for disciplinary purposes – and publicly publish the audit reports.

RESPONSE: The department regularly utilizes two main avenues for gauging the effectiveness of training and understanding of the BWC technology and regulations, the Force Review Division (FRD) and Body Worn Camera Random Video Reviews conducted by Watch Operations Lieutenants in their respective districts. Specifically, the Bureau of Patrol (BOP) consults with the FRD regarding a variety of topics under their purview, as well as, the usage of BWC during use of force incidents that require the completion of a tactical response report. The usage data related to BWC in use of force incidents is tracked by FRD and reported on quarterly with an annual report that was recently published on 28 April 2021.

BOP is currently developing protocols for WOLS to use a Random Video Review (RVR) platform which will randomly assign a BWC video to a WOL for review. This platform will remove the human selection component for selecting BWC video that is currently in place. The RVR platform was developed by the Department's Clarity Team.

Further, the Department utilizes its Audit Division to conduct audits on specific issues and areas of compliance with the consent decree as well as other issues that arise throughout the year. To the extent that there is additional audit work that can be done on auditing BWC that is not already incorporated into the current audits being conducted, the Department will discuss this with the Audit Division to determine how to best proceed.

Recommendation 5: Issue BWC to every sworn Department member when not engaged in confidential field duties.

RESPONSE: All field deployed members of BOP have received BWC. As of 13 May 2021, the Community Safety Team has been issued 845 BWC; Critical Incident Response Team has been issued 181 BWC; Summer Mobile Patrol has been issued 140 BWC; and Central Detention has been issued 25 BWC.

Furthermore, there are current assessments being made to issue BWC to members who participate in the performance of activities pertaining to search warrants within the Bureau of Counterterrorism and S.W.A.T. In addition, search warrant policy has been revised to state that all members who are participating in the service of a search warrant will have functioning BWC. The Department is aware of the recently passed changes to Illinois Law regarding the need for BWC and intends to become compliant by the effective date of this change.

Recommendation 6: Expand data collection efforts beyond whether an Investigatory Stop is captured on BWC to include reasons for the absence of a BWC recording (i.e., equipment malfunction, failure to activate, non-issuance of equipment to the Department member, etc.).

RESPONSE: The Department will consult with the Public Safety Administration to discuss options available to adopt this recommendation in its current technology. That said, the Department is limited by the technology limitations that currently exist.

Recommendation 7:

The Department evaluate automatic activation features and consider establishment of a pilot program to explore the feasibility of implementing those features.

RESPONSE:

At this time, the features available through the vendor, Axon Enterprise, Inc., are cost prohibitive to the Department. The Department will recommend to our technology partners at the Public Safety Administration to continually assess the availability of these enhancements and their feasibility with department operations.

Thank you again for the opportunity to review and respond to your report and recommendations.

Sincerely,



David O. Brown
Superintendent of Police
Chicago Police Department