

	POLICY
	Unit: Agency-Wide
Number:	Title: Transparency Initiatives – Release of Video and Related Materials
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Transparency Initiatives – Release of Video and Related Materials

PUBLIC POLICY STATEMENT

Effective policies ensure compliance with the law, promote the use of best practices, foster integrity and independence in the performance of COPA activities, and provide transparency regarding the procedures and standards for the conduct of those activities.

COPA’s continued commitment to increased transparency involves several activities centered on the public release of materials related to COPA investigations. Transparency allows for better understanding and conversations around sensitive issues that impact the community and the public safety system. COPA’s obligation to timely share information enhances the public’s ability to make informed decisions and promotes accountability.

Pursuant to the City of Chicago Video Release Policy, COPA releases videos and related materials for certain serious uses of force involving Chicago Police Department members, such as firearm discharges or uses of force that result in Great Bodily Harm or death. Executive Order 2021-1 is a compliment to the Video Release Policy, as it creates a standardized, accessible, and easy-to-navigate process for complainants to receive access to materials related to their incidents of alleged police misconduct, including video recordings.

Both the Video Release Policy and Executive Order 2021-1 strike an important balance between preserving the integrity of investigations while being responsive to complainants of alleged police misconduct and incidents involving serious uses force by Department members by limiting law enforcement requests to delay or prohibit release of materials.

Public release of information by COPA in no way suggests that COPA has made any determination regarding the conduct of any Chicago Police Department member or any other individual or entity, the cause of injury to or death of any individual, or, whether any released material bears any legal relevance to a particular incident.

PURPOSE

The purpose of this policy is to document COPA’s compliance with the VRP and EO 2021-1, as well as explains that COPA may release information related to incidents not covered under the VRP and EO 2021-1.

DEFINITIONS

Term	Meaning
City of Chicago Video Release Policy (VRP)	<p>It is the City of Chicago’s policy to publicly release within 60 days, with limited exception, materials including 911 calls, dispatch recordings, radio calls, video and audio from dash cameras or body-worn cameras, Police Observation Device (POD) cameras, third party video and audio, arrest reports, original case incident reports, tactical response and officer battery reports related to incidents involving:</p> <ul style="list-style-type: none"> • an officer discharging their firearm in a manner that strikes, or that potentially could strike, another individual, even if no allegation of misconduct is made; • an officer discharging their Taser or stun gun in a manner that strikes another individual and results in death or Great Bodily Harm; and • incidents in which, as a result of the use of force by an officer, the death of, or Great Bodily Harm to, a person occurs while that person is in police custody.
Executive Order (EO) 2021-1	<p>EO 2021-1 governs the release of materials directly to subjects of alleged police misconduct. EO 2021-1 allows victims of alleged police misconduct to receive swift access to materials without having to navigate the Freedom of Information Act process or be constrained by its limitations.</p>
Final Summary Report (FSR)	<p>As defined by the Municipal Code of Chicago 2-78-100, the report summarizing an investigation conducted by COPA concerning an incident of alleged police misconduct or another incident that is within COPA’s jurisdiction, which is made publicly available and contains, as applicable:</p> <ul style="list-style-type: none"> • a description of the Department members and subjects involved in the incident; • the date, time and location of the incident; • a description of the allegations and applicable rules; • a narrative summary of the incident; • a narrative summary of the investigation; and • COPA’s findings and conclusions.
Great Bodily Harm (also referred to as Serious Injury)	<p>An injury of a graver and more serious character than an ordinary battery. This may include, but is not limited to, injuries resulting in unconsciousness; disfigurement; hospital confinement; permanent or protracted loss or impairment of the function of a body part, organ, or mental faculty; or a substantial risk of death.</p>
Illinois Freedom of Information Act (FOIA)	<p>The Illinois FOIA, 5 ILCS 140/1 et seq., is a state law under which certain public records in possession of public agencies, such as COPA, may be accessed by the public upon written request.</p>
Incident Related Material	<p>For purposes of Executive Order 2021-1, material that depicts or captures any portion of the incident involving alleged misconduct by one or more members of the Department or, in the case of initial police reports, reflects a narrative memorialization of the incident.</p>

Tactical Response Reports	Tactical Response Reports are used by the Department to document, investigate, and evaluate use of force incidents where members respond to the actions of an individual, including any force mitigation efforts, or when members use force. The report is also completed when a Department member is assaulted or battered by an individual and no force is used by the member.
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POLICIES

I. PUBLIC RELEASE OF INFORMATION

- A. COPA will make public the results of its investigations by electronically publishing a FSR, as well as quarterly and annual reports summarizing key agency statistics, including complaint intake, pending case loads, and investigation resolutions. *See* COPA Policy (Public Reporting Policy).
- B. Though legal obligations may limit the overall scope of information that COPA may release relative to an ongoing investigation, the VRP and EO 2021-1 compel COPA to release certain information and materials of public interest even if administrative or criminal investigations remain pending. Additionally, the Chief Administrator, in his/her discretion, may release certain information of public interest related to incidents not specifically covered by the VRP or EO 2021-1.
- C. COPA will release as much information as legally permissible (i.e., without preventing or hindering compliance by COPA with respect to any legal obligations, including but not limited to: any court order; any obligation to redact identifying or other information; restrictions imposed by applicable collective bargaining agreements; or any obligations imposed by applicable state or local law) in order to build public trust and strengthen police accountability.

II. CHICAGO VIDEO RELEASE POLICY

- A. Pursuant to the VRP, COPA will release materials for the following types of incidents:
 - 1. those in which a Chicago Police Department member discharges a firearm in a manner that strikes, or potentially could strike, another individual, even if no allegation of misconduct is made;
 - 2. those in which a Department member discharges a Taser or stun gun in a manner that strikes another individual and results in death or Great Bodily Harm; and
 - 3. those in which, as a result of the use of force by a Department member, the death of, or Great Bodily Harm to, a person occurs while that person is in police custody (or occurs during the course of attempts to bring a person into police custody).
- B. Pursuant to the VRP, COPA will release the following items:
 - 1. All video and audio recordings relating to an incident, including 911 calls; Office of Emergency Management and Communications (OEMC) dispatches; Department

radio transmissions; Department in-car and body-worn cameras; and OEMC POD cameras.

2. Any video or audio recordings made using cameras or equipment not owned or controlled by the City of Chicago that come into the possession or control of the Department or COPA.
3. Any arrest reports, original case incident reports, and reports detailing Department member uses of force (e.g., Tactical Response Reports).

C. COPA's release of information will comply with the following:

1. **Initial Release:** Any materials covered by the VRP shall be released to the public no more than 60 calendar days from the date of the incident, unless the Chief Administrator or another government entity requests that the release be delayed for a period not to exceed 30 calendar days.
 - a. In the event another government agency, such as the Department, DOL, or OEMC, release materials, such as audio or video related to an incident, either independently or pursuant to a FOIA request, in advance of COPA's release of materials pursuant to the VRP, COPA will release materials as soon as practicable and consistent with II(C)(3) below.
2. **Supplemental Material:** Where any video or audio recording covered by this policy comes into the possession of the City after the date of the incident, it shall be released to the public no more than 60 days after coming into the possession of the City.
 - a. If supplemental material is received by the City after the date of the incident, but within 60 calendar days of the incident or any extension period, COPA will make every effort to include the supplemental material in the Initial Release.
 - b. If the supplemental material cannot be included in the Initial Release, COPA will supplement the Initial Release as soon as practicable before 60 days have passed since the date the City came into possession of material.
3. Provided the release of the information related to the incident will not impede or negatively impact the investigation, COPA will make some or all information available as soon as practicable before 60 days have passed since the date of the incident, or, for supplemental material, the date the information came into possession of the City.
 - a. For example, release timelines may be impacted by the existence of multiple qualifying incidents occurring in close succession, capacity of COPA personnel to index, review and redact, if necessary, potentially voluminous audio, video and related materials, and the ability to communicate with affected parties (*see* II(D) below) or bring awareness of the release to legal counsel in any criminal prosecutions related to the incident.

4. All Information related to those incidents covered by the VRP, as well as those not covered under the VRP that the Chief Administrator deems to be of great public interest, will be accessible on the COPA website.

D. Prior to the release of the information, COPA will:

1. attempt to notify any subject(s) (i.e., individuals that were the subject of Department member use(s) of force described in II(A) above) depicted in any video recording, (or the subject's legal representative or next of kin) of the scheduled release of such video on the COPA website; and
2. offer to show such subject, legal representative, or next of kin the video recording(s), and/or play any related audio, in advance of its public release on the COPA website.

E. To ensure that all cases covered by the VRP and those of particular public interest are released on the COPA website in a timely manner, COPA employees in the Investigative, Information Systems, Legal, and/or Public Information units/sections will conduct the following periodic meeting to discuss incidents subject to this Policy:

1. Weekly informational conference calls including other City or external stakeholders, which may include law enforcement and/or prosecutorial partners, to convey:
 - a. Status and timelines for release.
 - b. Potential restrictions on release.
 - c. Scope of Materials identified for release.

F. Incidents not included in the Video Release Policy:

1. COPA may release information related to incidents not specifically covered by the VRP. Any release of information implemented at the discretion of the Chief Administrator must comply with applicable law and Collective Bargaining Agreements to which the City is a party.
 - a. Specifically, in determining whether and when to release information, the Chief Administrator shall consider the public interest versus the investigative needs of the agency.

G. COPA may include press releases, which may highlight postings in advance of the 60-day deadline and provide limited factual information regarding the incident under investigation, with materials released pursuant to the VRP on COPA's website.

III. EXECUTIVE ORDER 2021-1

A. Pursuant to EO 2021-1, COPA will:

1. post to its website instructions on how to request Incident Related Materials, including what information must be provided by the complainant, as well as routinely provide this information to the public as part of community engagement efforts;

2. accept written requests for release of Incident Related Materials from complainants that have filed a complaint with COPA alleging police misconduct in which they were the subject of the incident;
3. verify that a complaint has been filed with COPA regarding the incident, and that the incident is not otherwise covered by the VRP;
4. determine which City of Chicago Department has jurisdiction for investigating the incident;
 - a. If COPA has jurisdiction over the request, COPA will conduct a reasonable search to identify Incident Related Material. Once identified, COPA will provide a list of the Incident Related Material to the Chicago Police Department and the Department of Law (DOL).
 - b. If the Department has jurisdiction over the request, COPA will receive a list of any Incident Related Material identified through the Department's reasonable search efforts.
 - i. COPA is not responsible for conducting searches for, or releasing, Incident Related Materials for investigations not within its jurisdiction.
5. notify the Department and DOL of the request within three (3) days of receiving the request, including in the notification a copy of the request and information pertaining to III(A)(3-4) above;
6. determine whether the incident relates to an ongoing criminal matter and, if so, notify the appropriate prosecutorial agency (typically, the Cook County State's Attorney's Office) of the request;
7. confirm receipt of the request from the complainant;
 - a. If COPA determines that either a complaint has not been filed regarding the incident or the incident is otherwise covered by the VRP, COPA will notify the complainant of as much as soon as practicable.
8. provided that the incident is not covered by the VRP, COPA will release the following Incident Related Materials, which may be in the possession of the Department, COPA, the Public Safety Administration, and/or the Office of Emergency Management and Communications, to the complainant as soon as practical, but no later than 30 calendar days following the request:
 - a. video and audio recordings from Department in-car cameras and/or body-worn-cameras; and
 - b. initial police reports, including original case incident reports and reports detailing Department member uses of force (e.g., Tactical Response Reports).

- i. COPA will make the materials available for download by the complainant via a secure web-based portal for a minimum of 30 days.

IV. LIMITATIONS ON RELEASE

A. The release of material may be delayed or prohibited entirely by operation of law or may be delayed at the request of a government entity. Circumstances resulting in delay or prohibition include:

1. VRP and EO 2021-1:

a. Materials are subject to provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Illinois Juvenile Court Act, the Illinois Law Enforcement Officer-Worn Camera Act, or the Illinois Identity Protection Act.

- i. COPA may redact certain information from materials to comply with the above listed law prior to release.

b. A court order prohibits or delays release of materials.

- i. For incidents subject to the VRP, COPA may publicly post these orders to the COPA website.

2. VRP:

a. Upon the City's Corporation Counsel's approval of a written request from a government entity, COPA will delay release of materials for a period not to exceed 30 calendar days.

i. Such requests may be made by the United States Attorney for the Northern District of Illinois, the Cook County State's Attorney, the Attorney General of Illinois, COPA, or any other federal, state, county or local law enforcement agency.

ii. Such requests must specify the materials to be withheld, the length of delay, and reasons supporting the requested delay.

iii. Such requests and the Corporation Counsel's approval or denial will be posted publicly on COPA's website.

3. EO 2021-1:

a. Materials are the subject of an ongoing criminal investigation or a request to delay is made by a law enforcement agency.

- i. All requests for delay will expire 90 days after the request is received from a law enforcement agency, at which time COPA will provide the complainant all Incident Related Material, unless production is prohibited by law or court order.

- b. To the extent COPA invokes applicable state or federal law as a basis for delay or prohibition of release of materials related to an incident within its jurisdiction, the basis for such action will be provided in writing to the complainant as soon as possible, but no later than 30 calendar days from the receipt of the request.

V. ROLES AND RESPONSIBILITIES

- A. *See* COPA Guidance (Video Release Policy and Executive Order 2021-1 – Roles & Responsibilities) for detailed information regarding roles and responsibilities involving COPA personnel related to compliance with the VRP and EO 2021-1.
- B. *See* COPA Policy (External Requests for Information / FOIA) regarding COPA’s production of information pursuant to written FOIA requests.
- C. *See* COPA Policy (Information Sharing), COPA Policy (Litigation), and COPA Policy (Media Response) regarding protocols for, and the extent to which, COPA personnel may share or disclose information, documents, or evidence relating to an investigation outside of the VRP, EO 2021-1, and FOIA.

EXCEPTIONS

If material qualifying for release pursuant to the VRP or EO 2021-1 in the possession of a City agency other than COPA is not timely made available to COPA pursuant to request, or COPA is otherwise unaware of the existence of the material, leaving COPA unable to comply with timeframes mandated by the VRP and EO 2021-1 (*see* II(C) and III(A)(8) above), COPA will release the material as soon as practicable, but no later than 30 days from receipt of the material at COPA, provided no other limitations on release apply (*see* IV above). COPA will memorialize all efforts to request and follow-up on material in possession of the City agency other than COPA and/or the date and circumstances under which COPA became aware of the material.

RELATED INFORMATION

<u>Title</u>	<u>Link</u>
External Requests for Information / FOIA	COPA Policy
Information Sharing	COPA Policy
Intake	COPA Policy
Litigation	COPA Policy
Media Response	COPA Policy
Public Reporting Policy	COPA Policy
Quality Assurance	COPA Policy
Timeliness Benchmarks	COPA Policy
Video Release Policy and Executive Order 2021-1 – Roles & Responsibilities	COPA Guidance
City of Chicago Video Release Policy	City of Chicago Policy

Executive Order 2021-1	Mayoral Executive Order
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<u>Title</u>	<u>Link</u>
Return to [Section Description]	[LINK]
Proceed to [Next Section Description]	[LINK]
Return to Keyword Search	[LINK]
Return to Table of Contents	[LINK]