

ORDINANCE NO. 2016-947

**AN ORDINANCE TO AMEND SECTION 30-2-23 OF THE VILLAGE OF COBDEN REVISED CODE OF ORDINANCES – PROVIDING FOR THE POLICIES AND STANDARDS FOR THE USE OF BODY CAMERAS BY LAW ENFORCEMENT OFFICERS OF THE VILLAGE OF COBDEN**

**PREAMBLE:** The Law Enforcement Officer-Worn Body Camera Act adopted by the State of Illinois provides minimum policies and standards for the use of body cameras by law enforcement officers that must be adopted by all Illinois law enforcement agencies that employ the use of body cameras. The Village of Cobden provides body cameras to its law enforcement officers both for the protection of the public and Village police officers who serve the Village of Cobden. It is toward that end of better serving the public that this policy is adopted by the Village of Cobden in accordance with the law of the State of Illinois.

BE IT ORDAINED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF COBDEN, UNION COUNTY, ILLINOIS:

SECTION 1: THAT THE FOLLOWING IS HEREBY ADOPTED AS SECTION 30-2-23 – BODY CAMERA POLICY

**24-8-1 BODY CAMERA POLICY**

(A) **Equipment Standards.** Body cameras used by the Cobden Police Department must be equipped with at least thirty (30) seconds of pre-event recording and must be capable of recording for a period of not less than ten (10) hours.

(B) **Operation of Cameras; Turning Camera On/Off.** Any officer in uniform using a body camera shall turn on the camera any time the officer is engaged in law enforcement related encounters or activities, except in the following circumstances:

1. The officer is interacting with a victim or witness and the victim or witness requests that the camera be turned off;
2. The officer is interacting with a confidential informant;
3. The officer is in a patrol car with an active in-car camera;
4. The officer is engaged in a community caretaking function (i.e. Village Board or other public meeting, providing a death notification, helping a child find their parents, performing well-being checks on the sick or elderly, etc.); or
5. Exigent circumstances prevent the camera from being turned on.

(C) **Other Protocols.**

1. The officer must give individuals oral/verbal notice when the camera is recording whenever the individual has a reasonable expectation of privacy. The proof of the notice must be evident in the recording.
2. The recording officer and the recording officer's supervisor may access and review recordings prior to completing incident reports or other documentation, but the officer must disclose that fact in his/her report and/or documentation.

(D) **Retention of Records.** Any recording must be retained for ninety (90) days and destroyed thereafter. Any and all recordings shall remain in the care and custody of the Chief of Police who shall be responsible for the same and exercise sole discretion as to their use, review, release and/or destruction pursuant to the terms, guidelines and conditions of this policy. However, if the recording is "flagged" because an encounter captured on the recording includes use of force or discharge of a firearm by an officer, any person was injured or died, the subject was arrested or detained, an officer is being investigated, the recording officer requests the recording for official purposes, or the recording is otherwise used for evidence in a court proceeding, the

recording shall be retained for a minimum of two (2) years, or until a final disposition and order from the court.

(E) **Disclosure of Recordings.** All recordings will be disclosed, upon request, to any victim or witness who appears in the captured video, with the recording being disclosed to the person recorded or his or her legal representative. Recordings may not be disclosed under the Freedom of Information Act unless the recording relates to a complaint, use of force or discharge of a firearm by an officer, arrest or detention, or death or bodily harm. If the victim or witness has a reasonable expectation of privacy, then the Police Department must obtain written permission from the individual before disclosing the recording.

(F) **Evidence.** The recording may be used as evidence in any administrative, judicial, legislative, or disciplinary proceeding. If a Court of competent jurisdiction finds by a preponderance of the evidence that a recording was intentionally not captured, destroyed, altered or intermittently captured, than the Court shall consider that violation in weighing the evidence, unless the State provides a reasonable justification.

(G) **Police Discipline.** Recordings can be used to discipline law enforcement officers if: 1) a formal or informal complaint of misconduct has been made; 2) a use of force incident occurred; 3) the encounter on the recording could result in a formal investigation or as corroboration of other evidence of misconduct; or, 4) if a recording was intentionally not captured, or was intentionally destroyed, altered, or intermittently captured in violation of the Law Enforcement-Worn Body Camera Act.

(H) **Citizens Right to Record Police.** No officer may hinder or prohibit any person from recording a law enforcement officer in the performance of his or her duties in a public place or in circumstances where the officer has no reasonable expectation of privacy. Any violation of this section may result in criminal penalties, as well as any Department discipline which may result from the unlawful confiscation or destruction of a recording medium of a person who is not a law enforcement officer.

(I) **Reporting.** The Chief of Police shall provide an Annual Report to the Illinois Law Enforcement Training Standards Board by May of each year. This report shall include: 1) a brief overview of the makeup of the Department, including the number of officers utilizing police body-worn cameras; 2) the number of police body-worn cameras utilized by the Department; 3) any technical issues with the equipment and how those issues were remedied; and 4) a brief description of the review process used by the Chief of Police.

SECTION 2. THAT ALL ORDINANCES AND PARTS OF ORDINANCE IN CONFLICT HEREWITH ARE EXPRESSLY REPEALED.

SECTION 3. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION IN PAMPHLET FORM, AS PROVIDED BY THE ILLINOIS COMPILED STATUTES, CHAPTER 65; SECTION 5/1-2-4.

PASSED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF COBDEN, UNION COUNTY, ILLINOIS, ON THIS 17TH DAY OF OCTOBER, 2016.

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Karen M. Winzenburger, Village Clerk  
Cobden, Illinois

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Jean A. Britt					
Patrick C. Brumleve					
Alma Gomez					
Dennis Maze					
Elvis Pearson					
David Stewart					
Paul Z. Tomazzoli					

APPROVED BY THE VILLAGE PRESIDENT OF THE VILLAGE OF COBDEN, UNION COUNTY, ILLINOIS, THIS 17TH DAY OF OCTOBER, 2016.

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Paul Z. Tomazzoli, Village President  
Cobden, Illinois

ATTEST:

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Karen M. Winzenburger, Village Clerk  
Cobden, Illinois