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CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL

20
23

Recommendations to Inform and Improve Storage and Labeling of Body Worn Camera Footage

MAY 12, 2023

DEBORAH WITZBURG | INSPECTOR GENERAL FOR THE CITY OF CHICAGO
TOBARA RICHARDSON | DEPUTY INSPECTOR GENERAL FOR PUBLIC SAFETY

May 12, 2023

Pursuant to the Municipal Code of Chicago (MCC) §2-56-230(c), the Public Safety section of the Office of Inspector General (OIG) conducts reviews of individual closed disciplinary investigations conducted by the Civilian Office of Police Accountability (COPA) and the Chicago Police Department's (CPD) Bureau of Internal Affairs (BIA). Based on those reviews, OIG may make recommendations to inform and improve future disciplinary investigations to ensure that they are complete, thorough, objective, and fair.

Over the course of OIG's review of closed disciplinary investigations, programmatic inquiries, and its own investigations into allegations of police misconduct, OIG has encountered instances in which footage captured by CPD members' body worn cameras (BWC) was mislabeled in the web-based repository in which it is stored. This mislabeling of BWC footage impacts the ability of both CPD and Chicago's police accountability agencies to locate and retrieve all footage from an event, thereby compromising disciplinary and criminal investigations and jeopardizing the City's ability to meet its legal and constitutional obligations to disclose information.

In order to inform and improve future investigations, OIG recommended that CPD coordinate with the Office of Emergency Management and Communications (OEMC), Axon Enterprises, and any other entities as necessary, to assess the processes currently in place for tagging BWC footage with event numbers and take corrective action as appropriate to ensure that all footage of an incident that is recorded with BWC can reliably be retrieved.

CPD agreed with OIG's assessment of the potential consequences that may result from the inability to properly locate BWC footage of an event. In response to OIG's recommendations, CPD published an administrative message, in line with similar messages published previously, reminding members of the importance of following the proper steps to ensure BWC footage is appropriately labeled. CPD also noted it is transitioning from its current BWC system to a new system that is equipped with a GPS-based tracking system, which CPD reports will allow for easier tracking and cataloging of BWC footage.

OIG's letter to CPD containing its recommendations is attached in Appendix A and CPD's response is attached in Appendix B. OIG appreciates the corrective steps CPD has taken and encourages CPD to continue to take active measures to ensure BWC footage is properly labeled and easily retrievable as it moves to the new system.

Appendix A | OIG Letter to CPD



Deborah Witzburg | Inspector General
City of Chicago
Office of Inspector General
740 N. Sedgwick St., Ste 200
Chicago, IL 60654
Phone: (773) 478-7799

Via Electronic Mail

February 28, 2023

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

Dear Superintendent Brown:

Pursuant to Municipal Code of Chicago (MCC) §2-56-230, the Public Safety section of the Office of Inspector General (OIG) writes to recommend measures to inform and improve CPD's use of event numbers to catalogue body worn camera (BWC) footage stored within Evidence.com.

In the course of OIG investigations, programmatic inquiries, and screening of closed disciplinary cases, OIG has encountered instances in which BWC footage was labeled with incorrect event numbers in Evidence.com. As a result, OIG investigators and analysts cannot verify in all cases that they have identified all BWC footage of an event. The mislabeling of BWC video risks limiting the thoroughness of inquiries and investigations conducted both by CPD itself and by Chicago's police accountability agencies, to the detriment of accused CPD members, complainants, and victims, and to the integrity of the City's police accountability system as a whole. Improperly labeled BWC footage not only compromises disciplinary investigations, it hampers CPD's ability to locate and retrieve critical evidence necessary to conduct criminal investigations as well. The mislabeling of BWC footage also negatively affects other aspects of CPD's operations such as supervisory personnel's ability to fulfill their required duties, which include their mandatory review all BWC footage after use of force events.¹ OIG has not undertaken an inquiry into the causes of mislabeled BWC footage in Evidence.com. However, OIG identifies CPD as the agency ultimately responsible for the proper accessibility of CPD-generated records, notwithstanding that a private vendor owns and operates Evidence.com. Two examples of this issue identified by OIG follow below.

During a recent investigation into officer misconduct, an OIG Investigator attempted to review all BWC footage relevant to the event under investigation. When OIG searched within Evidence.com using the event number, which was retrieved from the police reports from the event, the search returned no footage. Relying on alternative, less systematic search terms, however, OIG was able to identify some BWC footage of this event. Specifically, OIG was able to locate relevant BWC footage within Evidence.com using the names of officers who were on the scene, which OIG

¹ Chicago Police Department, "General Order G03-02-02 Incident Requiring the Completion of a Tactical Response Report," IV.B.1.c.(2), April 15, 2021, accessed July 12, 2022, <http://directives.chicagopolice.org/#directive/public/6610>.

identified from police reports. OIG was able to identify four videos of the event in this manner. The four videos were tagged under three different event numbers, some of these three event numbers were from incidents unrelated to the event under investigation.

OIG encountered similar issues when attempting to review BWC footage for its "Report on Race- And Ethnicity-Based Disparities in the Chicago Police Department's Use of Force."² Using CPD's use of force reports, OIG identified events where CPD officers used force and attempted to review event video footage for a sample of these events. During this process, OIG encountered instances where the Tactical Response Report (TRR) completed by an officer indicated that the event was captured on BWC but a search for the event number did not turn up a corresponding result in Evidence.com. If footage for these events does exist, as CPD reports indicate, then the footage cannot be readily be retrieved using the event number.

Both of the examples above highlight that the event number is not a consistently reliable index for retrieving all BWC footage of a specific event from Evidence.com. The event number is a numeric designation given to any incident reported to OEMC via 911 or a CPD unit.³ Event numbers are the only indexing term that uniquely identifies each event that involves a police response—hence the singular importance of properly indexing BWC footage by event numbers in Evidence.com.⁴ CPD should ensure that BWC footage is labeled with the correct event number. The first of the two examples further documents that in at least some instances, BWC footage stored on Evidence.com has been labeled with incorrect event numbers, a source of potentially major liability for the City.

Beyond the negative impact on investigating agencies' work, this issue is also of consequence to CPD's obligations to produce records in civil and criminal litigation and under the Freedom of Information Act (FOIA). The fact that Evidence.com does not at present provide a way to reliably retrieve all BWC footage captured of an incident through a standard search term or set of search terms puts CPD at risk of not being able to comply with its obligations under *Brady v. Maryland* and *Giglio v. United States* and their progeny, Illinois state law, and the Federal Rules of Civil Procedure.⁵ Broadly, these obligations require CPD to retrieve and produce all records within its possession that are relevant to a criminal prosecutions or civil litigation. Relatedly, the issue may limit CPD's ability to comply with FOIA obligations. FOIA requires public agencies—such as CPD—to allow the public access to certain records upon request.⁶ OIG raised similar concerns about this issue in its "Review of the Chicago Police Department's Management and Production of Records"

² Office of Inspector General, "Report on Race- And Ethnicity-Based Disparities in the Chicago Police Department's Use of Force," March 1, 2020, accessed July 5, 2022, <https://icgchicago.org/wp-content/uploads/2022/02/Use-of-Force-Disparities-Report.pdf>.

³ Chicago Police Department, "General Order G03-01 Communications Systems and Devices," May 30, 2014, accessed July 6, 2022, <http://directives.chicagopolice.org/#directive/public/6195>.

⁴ Above, OIG described a situation in which BWC footage of an incident was located through Evidence.com searches of officers' names. But police reports do not always document every officer who arrives on scene of an event and records BWC footage, so searching by officer name or star number is not an adequate substitute for searching by event number. Other identifiers, including records division (RD) numbers, will be applied to some police-involved events but will not be applied as widely as event numbers. RD numbers are applied to all incidents requiring a case report or a traffic crash report. All events that receive an RD number will also be applied an event number; but *not* all events with an event number will be applied an RD number. Chicago Police Department, "Special Order S09-03-04 Assignment and Processing of Records Division Numbers," November 21, 2003, accessed July 12, 2022, <http://directives.chicagopolice.org/#directive/public/6681>.

⁵ See *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. U.S.*, 405 U.S. 150 (1972), *Kyle v. Whitley*, 514 U.S. 419 (1995), 725 ILCS 5/114-13, Ill. Sup. Ct. R. 201, 1 Fed. R. Civ. P. 26.

⁶ 5 ILCS 140.

where it concluded that the effects of CPD not being able to identify and produce all requested records created a "risk that the constitutional rights of individuals are violated through denials of due process, defective trials, and faulty litigative outcomes ... Additionally, repeated failures to comply with disclosure obligations leave the City at significant risk for adverse civil litigation outcomes, including costly sanctions, settlements, and judgments."⁷

In order to inform and improve future investigations, OIG recommends the following:

1. CPD, in coordination with the Office of Emergency Management and Communications; Axon Enterprises, or other governmental or non-governmental agencies as necessary, should assess the processes currently in place for tagging BWC footage with event numbers and take corrective action as appropriate to ensure that all footage of an incident that is recorded with BWC can reliably be retrieved through an event number search.

Please contact Deputy Inspector General for Public Safety Tobar Richardson at (773) 478-3214 or trichardson@igchicago.org should you have any questions about this matter. Please provide a written response to this recommendation by March 30, 2023. OIG looks forward to CPD's response, which will be published in accordance with MCC § 2-56-250.

Respectfully,



Tobara Richardson
Deputy Inspector General for Public Safety
Office of Inspector General

cc: Deborah Witzburg, Inspector General, OIG
Megan Carlson, Associate General Counsel for Public Safety, OIG
Dana O'Malley, General Counsel, CPD
Matt Burke, Deputy Director of Litigation, CPD

⁷ Office of Inspector General, "Review of the Chicago Police Department's Management and Production of Records," June 10, 2020, p. 21, accessed July 5, 2022 <https://igchicago.org/wp-content/uploads/2020/06/OIG-Review-of-CPDs-Management-and-Production-of-Records.pdf>

Appendix B | CPD Response to OIG



Lori E. Lightfoot
Mayor

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

Eric M. Carter
Interim Superintendent of Police

April 11, 2023

Tobara Richardson
Deputy Inspector General for Public Safety
Office of Inspector General
740 North Sedgwick Street, Suite 200
Chicago, Illinois 60654

RE: Recommendations to Inform and Improve Body Worn Camera Investigations

Dear Deputy Inspector General Richardson,

CPD agrees that the mislabeling of BWC video limits the thoroughness of inquiries and investigations conducted by CPD and Chicago's police accountability agencies, to the detriment of accused CPD members, complainants, and victims, and to the integrity of the City's police accountability system as a whole. To inform and improve body worn camera investigations, the Department has published an administrative message reminding members of the importance of making proper notifications to dispatch (see attached, along with earlier AMC's on the same or similar issue). Proper notifications are required under existing policies and promote officer safety and accountability by, among other reasons, allowing the Office of Emergency Management and Communications to record an officers' presence on the scene of an Event. This in turn allows for body worn camera footage (BWC) to be catalogued under the proper Event number.

In addition, the Department is transitioning from the Axon body II system to Axon body III. The Axon body III is equipped with a GPS-based system that tracks an officer's location while wearing the BWC. Although not a substitute for making proper notifications to dispatch, the Axon Body III will allow for easier tracking of the BWC's (and the officers wearing them) on the scene of an Event and corresponding cataloguing of BWC footage.

Sincerely,

A handwritten signature in black ink that reads "Dana O'Malley".

Dana O'Malley
General Counsel
Chicago Police Department

Emergency and TTY: 9-1-1 · Non Emergency and TTY: (within city limits) 3-1-1 · Non Emergency and TTY: (outside city limits) (312) 746-6000
E-mail: police@cityofchicago.org · Website: www.cityofchicago.org/police

**REFERENCE # 241091****TIPS FOR DECREASING
UNMATCHED BWC
VIDEOS****03-JUL-2018 08:25****GENERAL MESSAGE****Distribution Method:**

Archive
CPD Intranet Home
Page
Unit Inbox
Faxed
Email

Sent: 03/29/2018 08:25 AM

To: ALL UNITS

From: O DONNELL, PATRICK N
LIEUTENANT OF POLICE
125 - INFORMATION SERVICES DIVISION

Telephone No.:5-5545

On Behalf SELF
Of:

Message: Axon runs a daily program in an attempt to match videos to a relevant event number. In some cases, Axon cannot make a match. Below are some tips to increase the frequency in which your videos will be matched with your event #. 1. Axon will not match your video to an event number if you do not get an event for self-initiated activity. 2. Turn on your BWC when you initially get assigned a call. When the BWC is Activated/Deactivated more than 2 minutes before or after OEMC notification this can cause a video not to match with the event#. 3. When assisting on a call and activating your BWC, advise dispatch you are on that call and to place you on the event. 4. If there is a change in your beat/car, ensure that the A & A's are changed to reflect the correct information. 5. If more than 1 beat is assigned to the same car(i.e. Tact), then all beats need to be assigned to each event.

Attachments:

WARNING: This message is intended only for the use of the individual or agency to which it is addressed and may contain information that is confidential and/or exempt from disclosure under applicable law. If you have received this communication in error, please notify us immediately by telephone and destroy the original. Any unauthorized copying or dissemination of this communication is prohibited.

CITY OF CHICAGO / DEPARTMENT OF POLICE **3510 SOUTH MICHIGAN AVENUE** **CHICAGO, IL 60653**

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**REFERENCE # 264928****BODY WORN CAMERA
EVENT NUMBERS****17-FEB-2021 10:04****GENERAL MESSAGE****Distribution Method:**

Archive
CPD Intranet Home Page
Unit Inbox
Faxed
Email

Select a Distribution Method

To: ALL UNITS

From: SIERGIEJ, JOHN
SERGEANT OF POLICE
162 - RECORDS SERVICES SECTION (RSS)

Telephone No.: 5-5619

On Behalf: JOSEPH PERFETTI
Of: DIRECTOR
162
5-5619

Message: In order to properly catalog and locate stored Body Worn Camera videos in Evidence.com, please use the full 10 digit Event # for the ID field only. Using anything other than the Event number may make it difficult locating the videos at a later time. Uploaded videos and files other than Axon BWC may be stored with the RD# in the ID field followed by your unit name/number. I.e. "JE999999 610" To assign an RD to Body Worn Camera videos please do so using the TAG functionality in Evidence.com. Please review the Body Worn Camera section within the "Technology" tab for further information.

Attachments:

WARNING: This message is intended only for the use of the individual or agency to which it is addressed and may contain information that is confidential and/or exempt from disclosure under applicable law. If you have received this communication in error, please notify us immediately by telephone and destroy the original. Any unauthorized copying or dissemination of this communication is prohibited.

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CHICAGO, IL 60653

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REFERENCE # 293193

**PROPER NOTIFICATION
AND BWC**

07-APR-2023 14:08

GENERAL MESSAGE

Distribution Method:

Archive

CPD Intranet Home Page

Unit Inbox

Faxed

Email

Select distribution list ~

To: ALL UNITS

From: O BRIEN, DANIEL M
POLICE OFFICER ASSIGNED AS LEGAL OFFICER
II
114 - LEGAL AFFAIRS DIVISION (LAD)

Telephone No.:312-745-6115

On Behalf Of: DANA O'MALLEY
GENERAL COUNSEL
LEGAL AFFAIRS DIVISION
312-745-6115

Message: Members should re-familiarize themselves with the notification requirements found in General Orders 03-01-01 (Radio Communications) and 04-01 (Preliminary Investigations). Proper notifications to dispatch are necessary to ensure officer safety and accountability when responding to calls or incidents. Proper notifications also allow OEMC to assign the appropriate Event number to responding officers, which is critical for ensuring that captured BWC footage is properly tagged to an Event. Mislabeling or failing to properly tag BWC video to an Event may jeopardize investigations and prosecutions, as well as prevent members and the Department from preserving necessary evidence and records. Use these tips to help ensure videos will be matched with the proper event: · Activate your BWC when assigned to a call, as required by Special Order S03-14 · If you are assisting on a call notify dispatch that you are providing back up and have them place you on the event. · If there is a change in your beat number or car number, ensure the A&A's are changed to reflect the correct information. · If more than one beat is assigned to the same car (i.e. Tact), then all beats need to be assigned to each event. · For self-initiated activity, obtain an event number from OEMC. ****TO BE READ AT ROLL CALL FOR 7 CONSECUTIVE DAYS****

Attachments:

WARNING: This message is intended only for the use of the individual or agency to which it is addressed and may contain information that is confidential and/or exempt from disclosure under applicable law. If you have received this communication in error, please notify us immediately by telephone and destroy the original. Any unauthorized copying or dissemination of this communication is prohibited.

CITY OF CHICAGO / DEPARTMENT OF POLICE 3510 SOUTH MICHIGAN AVENUE CHICAGO, IL 60653

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Ricardo Alvarez
Senior Performance Analyst

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OIG's authority to produce reports of its findings and recommendations is established in the City of Chicago Municipal Code §§ 2-56-030(d), -035(c), -110, -230, and -240.

For further information about this report, please contact the City of Chicago Office of Inspector General, 740 N. Sedgwick Ave., Suite 200, Chicago, IL 60654, or visit our website at igchicago.org.

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Alternate formats available upon request.

