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CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

EVALUATION OF THE CHICAGO POLICE DEPARTMENT'S RANDOM REVIEWS OF BODY-WORN CAMERA RECORDINGS





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TO THE MAYOR, CHAIR OF THE COMMITTEE ON PUBLIC SAFETY, CITY COUNCIL, CITY CLERK, CITY TREASURER, AND RESIDENTS OF THE CITY OF CHICAGO:

The Public Safety Section of the City of Chicago Office of Inspector General (OIG) conducted a compliance evaluation of the Chicago Police Department's (CPD or the Department) review of randomly selected body-worn camera (BWC) recordings. Under Special Order S03-14 (the Special Order), the directive outlining BWC policy and procedures, CPD requires watch operations lieutenants (WOLs),¹ across all watches, to review one recording daily. The purpose of these required reviews is for CPD supervisors to assess, among other areas, whether certain Department members are properly using BWCs and conducting themselves in accordance with CPD policy.

OIG's evaluation determined that CPD did not comply with this requirement. Specifically, OIG found that:

1. CPD failed to complete all required random WOL reviews from November 2017 through March 2018 in seven districts reviewed by OIG;
2. CPD failed to implement a standardized process for randomly selecting BWC recordings for review;
3. CPD failed to effectively monitor compliance with its random WOL review requirement, using definitions of compliance that are inconsistent and that do not allow CPD to determine whether WOLs are conducting randomized reviews in accordance with the Special Order; and
4. CPD's BWC Program Evaluation Committee (the Committee), which is tasked with ensuring BWC policy compliance with evaluating BWC program effectiveness, did not hold quarterly meetings in the third or fourth quarters of 2017, as required by the Special Order.

¹ Watch operations lieutenants are supervisory personnel in CPD patrol districts who are responsible for overseeing the operational and administrative functions of a watch. CPD organizes its daily activities into a three-watch schedule.

To address these issues, OIG recommends several steps CPD should take to ensure that WOLs conduct random reviews in full compliance with Department policy, including assessing the impact of corrective measures taken by the Committee, standardizing the random review process, and developing an effective method for monitoring compliance. In addition, OIG recommends that the Committee hold regular meetings featuring timely and complete reporting on random reviews.

In response to our findings and recommendations, CPD acknowledged the need to improve compliance and identified steps it has taken or is planning to take to address all of OIG's recommendations. These steps include evaluating the implementation of the policy, automating aspects of the random review process for standardization and monitoring, and ensuring the Committee fulfills its oversight role.

While OIG is encouraged by the steps CPD has identified to improve compliance, OIG notes that CPD did not provide a timeline for implementing the automation of its random review process. Until the implementation of this solution, the effectiveness of random reviews and the Committee's ability to perform its role may continue to be compromised.

Given the context of strained relations between the Department and the community in recent years, it is essential that CPD establish and reinforce a culture of compliance within its BWC program to ensure that police encounters are video- and audio-recorded for subsequent investigation and review. Since CPD's introduction of BWCs, a number of incidents, including the fatal shooting of 18-year-old Paul O'Neal in 2016² and the execution of search warrants at incorrect addresses,³ have not been properly recorded due to failures to use or activate BWCs. Compliance with conducting random WOL reviews of BWC recordings may reduce the risk of such incidents not being recorded in the future and increase public confidence in CPD's commitment to capturing BWC recordings for all qualifying police encounters.

We thank CPD management and staff for their cooperation, especially the Office of the General Counsel, the Bureau of Patrol, the Bureau of Technical Services, and the Bureau of Organizational Development and its Inspections Division.

² Sam Charles, "No Cops to Be Charged in 2016 Shooting of Paul O'Neal," Chicago Sun Times, January 19, 2018, accessed July 3, 2019, <https://chicago.suntimes.com/news/no-cops-to-be-charged-in-2016-shooting-of-paul-oneal/>

³ Dave Savini, Michele Youngerman, and Samah Assad, "Key Body Camera Footage Missing After Police Officers Raid Wrong Homes, Point Guns at Children," CBS Chicago, May 4, 2019, access July 3, 2019, <https://chicago.cbslocal.com/2019/05/04/key-body-camera-footage-missing-after-chicago-police-officers-raid-wrong-homes-point-guns-at-children/>.

Respectfully,

A handwritten signature in black ink, reading "Joseph Lipari". The signature is written in a cursive style with a large, stylized "J" and "L".

Joseph Lipari
Deputy Inspector General, Public Safety
City of Chicago

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ACRONYMS

BWC	Body-Worn Camera
CPD	Chicago Police Department
GAO	US Government Accountability Office
OEMC	Office of Emergency Management and Communications
OIG	Office of Inspector General
WOL	Watch Operations Lieutenant

I. EXECUTIVE SUMMARY

The Public Safety Section of the City of Chicago Office of Inspector General (OIG) conducted a compliance evaluation of the Chicago Police Department's (CPD or the Department) review of randomly selected body-worn camera (BWC) recordings. Under Special Order S03-14 (the Special Order), the directive outlining BWC policy and procedures, CPD requires watch operations lieutenants (WOLs),⁴ across all watches, to review one recording daily. The purpose of these required reviews is for CPD supervisors to assess, among other areas, whether certain Department members are properly using BWCs and conducting themselves in accordance with CPD policy.

The Special Order requires WOLs to perform, among other duties, the following daily task:

review one randomly selected BWC recording on their respective watch per tour of duty to ensure compliance with policy, assess the need for additional training and tactical improvement, ensure close and effective supervision, and that an [Office of Emergency Management and Communications (OEMC)]⁵ event number has been assigned for the recording.

OIG's evaluation determined that CPD has not complied with its requirement for random WOL reviews based on the following findings:

1. CPD reported not completing all required random WOL reviews. From November 2017 through March 2018, none of the three districts reporting specific numbers of random WOL reviews reported completing a random review for every tour of duty in a month, as required.
2. CPD has not implemented a standardized process for randomly selecting BWC recordings for review. CPD has also not provided WOLs with specific guidance or training on how they should select recordings to review.
3. CPD has not effectively monitored compliance with its random WOL review requirements. The Department has used definitions of compliance that are inconsistent and that do not allow CPD to determine whether WOLs are conducting randomized reviews in accordance with the Special Order.

⁴ Watch operations lieutenants are supervisory personnel in CPD patrol districts who are responsible for overseeing the operational and administrative functions of a watch. CPD organizes its daily activities into a three-watch schedule.

⁵ The Office of Emergency Management and Communications, among other things, manages the dispatch of CPD members to calls for service.

4. CPD's BWC Program Evaluation Committee (the Committee), which is tasked with ensuring compliance with the Department's BWC policies and evaluating the effectiveness of the BWC program, did not initially hold quarterly meetings as required by the Special Order. Furthermore, a quarterly meeting observed by OIG did not include a presentation of the latest available BWC Program Evaluation Committee Report (Quarterly Report) prepared by the commander of the Inspections Division.

As a result, during the period assessed in this evaluation, CPD did not fully and accurately assess officer compliance with aspects of Department policy, including whether members are properly recording law-enforcement-related activities. In addition, the Committee did not ensure officer and supervisor compliance within the BWC program and thus was not able to make appropriately informed recommendations to the superintendent regarding the program. Collectively, the issues identified by OIG have potentially limited the overall effectiveness of CPD's BWC program, which is an important innovation in the service of performance, accountability, and transparency needed to foster trust and legitimacy with the public.

To achieve full compliance, OIG recommends that CPD,

1. assess the impact of the steps the Committee has taken to date, and plans to take, to improve compliance with requirements for completing and reporting on random WOL reviews of BWC recordings;
2. develop a standardized process for randomly selecting recordings for review;
3. take steps to ensure that WOLs adhere to this standardized process across districts and shifts; and
4. develop an effective method for monitoring compliance that accounts for all aspects of the Special Order's requirements.

To strengthen the Committee's oversight of the BWC program, OIG recommends that CPD,

5. maintain a regular meeting schedule for the Committee;
6. ensure that Committee meetings include a presentation of the latest available Quarterly Report prepared by the commander of the Inspections Division;
7. define which three-month period should be reviewed in Quarterly Reports; and
8. ensure that all months in the year are reviewed in Quarterly Reports.

In response to our findings and recommendations, CPD acknowledged the need to improve compliance with its random WOL review requirement. CPD identified the following steps it has taken or is planning to take to address all of OIG's recommendations:

- Have the Office of Reform Management and Auditing Unit review the Department's implementation of its random review policy, as required to fulfill CPD's obligations under the Consent Decree (Recommendation 1).
- Work with its BWC service provider Axon to use the Axon Performance platform to automate several components of the random WOL review process, including the random selection of recordings, the logging of review results, the sending of notifications to WOLs to remind them to conduct reviews and to alert them to potential indicators of noncompliance, and the creation of an audit trail of reviews (Recommendations 2, 3, 4, 7, 8).
- Continue holding quarterly meetings of the Committee (Recommendation 5).
- Continue presentations of Quarterly Reports by the commander of the Inspections Division to the Committee (Recommendation 6).
- Have the commander of the Inspections Division ensure that Quarterly Reports reflect the proper three-month period (Recommendation 7).
- Have the commander of the Inspections Division work with the Committee to ensure Quarterly Reports review all months of the year (Recommendation 8).

CPD also identified the following additional measures it can take to improve compliance, which, depending on how they are implemented,⁶ may also address OIG's recommendations:

- Incorporate the random review process into the training curriculum for new lieutenant classes (Recommendations 1, 3).
- Issue a Department-wide notice to clarify that the random review requirement applies to all assigned WOLs, including those visiting from other districts or units (Recommendation 1).
- Incorporate compliance updates on random WOL reviews into CPD's weekly CompStat accountability model (Recommendations 1, 4).⁷

⁶ Specifically, CPD should ensure that any steps it takes to effectively monitor compliance (Recommendation 4) should assess not only the total numbers of reviews conducted by WOLs but also whether those reviews are conducted once per tour of duty, as required

⁷ CompStat is a weekly session during which unit commanders and select supervisors discuss and respond to questions about performance indicators related to crime and unit operations before an audience of senior members of CPD management

- Impose progressive discipline, training, or other remedial action in response to noncompliance with its BWC policy (Recommendation 1).

OIG is encouraged by CPD's expressed commitment to improve its compliance with its random WOL review requirement. However, CPD did not specify a timeline for implementing the most substantial remedial action it intends to take: the use of the Axon Performance platform to automate key aspects of the random review process. CPD identified the Axon Performance platform as providing the capacity to address five of OIG's eight recommendations. CPD should implement this automated solution as quickly as possible and, in the interim, adopt additional measures as necessary to improve compliance.

The Department's response to this evaluation is included in Appendix F.

II. BACKGROUND

In response to increased attention on policing from governmental agencies and the media, in recent years there has been a steady increase in the adoption of BWC technologies by law enforcement departments nationwide.⁸ Proponents of BWCs state that this technology offers several potential benefits, including: improving both officer and community conduct during policing interactions, enhancing perceptions of police legitimacy through greater transparency and accountability, capturing evidence helpful in criminal prosecutions and the adjudication of citizen complaints against officers, and providing material for officer training.⁹

Beyond specifying when and how police officers use BWCs to record incidents, many BWC policies also specify procedures for supervisory review of recordings. For example, BWC policies may require supervisors to review recordings for various purposes, including: the investigation of citizen complaints and use-of-force incidents, the evaluation of officer performance, and the assessment of compliance with department policies.¹⁰

A. PROGRAM IMPLEMENTATION

CPD's adoption of its BWC program and policies is consistent with national trends. In January 2015, the Department introduced its BWC pilot program with 30 cameras in the 14th District.¹¹ During this pilot, the district experienced a 26% drop in complaints of officer misconduct during shifts in which members used BWCs (including a drop of

⁸ Vivian Hung, Steven Babin, and Jacqueline Coberly, *A Market Survey on Body Worn Camera Technologies*, report prepared for the US Department of Justice's National Institute of Justice, November 2016, 10, accessed February 13, 2019, <https://www.ncjrs.gov/pdffiles1/nij/grants/250381.pdf>

⁹ At the same time, critics of BWCs have raised concerns about privacy for both citizens and officers, health and safety effects for officers, and the substantial investments of resources and time required to develop and operate BWC programs. Michael D. White, *Police Officer Body-Worn Cameras: Assessing the Evidence*, (Washington, DC: Office of Community Oriented Policing Services, 2014), 18, accessed April 23, 2019, <https://ric-zai-inc.com/Publications/cops-p289-pub.pdf>

¹⁰ Among police departments receiving grants from the Bureau of Justice Assistance (BJA) and whose BWC policies were approved by BJA in fiscal year 2016, more than 90% granted supervisors authority to review BWC recordings for such purposes. Michael D. White, Michaela Flippin, Charles M. Katz, *Key Trends in Body-Worn Camera Policy and Practice: A Two-Year Policy Analysis of U.S. Department of Justice-Funded Law Enforcement Agencies*, (Body-Worn Camera Training & Technical Assistance, 2017), 4, accessed February 13, 2019, <http://bwctta.com/sites/default/files/Files/Resources/Policy%20Analysis%20Year%202%20FINAL.pdf>

¹¹ City of Chicago, Office of the Mayor, "Mayor Emanuel and Police Superintendent McCarthy Announce Expansion of Body-Worn Camera Program," November 29, 2015, accessed February 13, 2019, https://www.cityofchicago.org/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2015/November/11_29_15BodyWornCamera.pdf

excessive-force complaints from seven in 2014 to zero in 2015).¹² Between June and August 2016, CPD expanded its BWC program to six additional districts.

In September 2016, CPD committed to providing BWCs to all patrol officers by the end of 2018.¹³ The Department later expedited its implementation timeline by a year and finished equipping patrol officers in all districts in December 2017.¹⁴ At the time, CPD had the largest deployment of BWCs in the nation, with cameras deployed to more than 7,000 members.¹⁵

B. PROGRAM TECHNOLOGY

CPD purchased its BWCs and associated services from Axon (formerly TASER International)¹⁶ and uses the company's newest available model in its *Body* line of cameras, the Body 2 camera.¹⁷ Axon also provides CPD with docking stations that re-charge cameras and upload recordings to Axon's cloud-based storage system,

¹² Paul Biasco, "How Chicago Police Hope Body Cameras Will Restore the Public's Trust," DNAinfo, January 7, 2016, accessed February 26, 2019, <https://www.dnainfo.com/chicago/20160107/logan-square/how-chicago-police-hope-body-cameras-will-restore-publics-trust/>.

¹³ City of Chicago, Chicago Police Department, "Johnson Announces Body Camera Expansion throughout CPD," September 18, 2016, accessed February 21, 2019, <http://home.chicagopolice.org/wp-content/uploads/2016/09/18-Sep-16-Supt-Johnson-Announces-Body-Camera-Expansion.pdf>.

¹⁴ See Appendix A for a timeline of CPD's implementation of BWCs in its patrol districts.

¹⁵ City of Chicago, Office of the Mayor, "Body Worn Cameras Expansion Completed-One Year Ahead of Schedule," December 10, 2017, accessed February 27, 2019, <https://www.cityofchicago.org/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2017/December/20171210.pdf>.

¹⁶ In January 2016, the City of Chicago entered into a five-year, \$10 million contract with Axon to purchase BWCs, cloud storage, and conducted electronic weapons (i.e., Tasers). The City increased the value of this contract by \$5 million in May 2017. In January 2018, the City replaced this contract with a new five-year, \$40 million contract with Axon that added in-car video cameras and interview room cameras. Neither contract was awarded through the City's standard competitive bidding process: the January 2016 agreement was based on a reference contract between Axon and the State of New Jersey, while the January 2018 agreement was awarded as a sole source contract. City of Chicago, "Contract Number 30401," February 02, 2016, accessed February 21, 2019, <https://webapps1.cityofchicago.org/vcsearch/city/contracts/30401>. City of Chicago, "Modification Number 304018," May 26, 2017, accessed February 21, 2019, <https://webapps1.cityofchicago.org/vcsearch/city/contracts/30401>. City of Chicago, "Contract Number 60663," January 24, 2018, accessed February 21, 2019, <https://webapps1.cityofchicago.org/vcsearch/city/contracts/60663>.

¹⁷ The contract between the City of Chicago and Axon requires Axon to provide the City with the latest model of BWCs and other equipment. In October 2018, Axon announced a new generation of cameras, the Body 3, which will be available in the summer of 2019. City of Chicago, "Contract Number 60663," January 24, 2018, 50, accessed February 21, 2019, <https://webapps1.cityofchicago.org/vcsearch/city/contracts/60663>. PRNewswire, "Axon Launches TASER 7 and Axon Body 3 with Free Records Management System," October 06, 2018, accessed February 21, 2019, <https://www.prnewswire.com/news-releases/axon-launches-taser-7-and-axon-body-3-with-free-records-management-system-300725547.html>.

Evidence.com. CPD members use Evidence.com to store, review, and flag recordings for extended retention, as appropriate.¹⁸ Evidence.com includes an audit trail function that creates records of user actions, including which users have viewed, deleted, or edited descriptive information (e.g., time and date) about recordings.

C. POLICIES AND PROCEDURES

Special Order S03-14: Body Worn Cameras, which defines CPD's policies related to BWCs, went into effect on January 1, 2016. In its January 2017 investigation of CPD, the US Department of Justice characterized the supervisory review mechanisms defined within CPD's BWC directive as inadequate:

[T]he CPD policy on the use of such cameras is insufficient, and in many instances directives are vague or confusing. There is no policy directing supervisors as to when or whether they regularly review recordings to ensure proper use of the cameras and identify officer training opportunities or conduct concerns.¹⁹

Prior to June 2017, the Special Order required WOLs to "randomly review" BWC recordings for supervisory purposes but did not specify a frequency for review or require an assessment of officers' use of BWCs. In revisions made in June 2017, October 2017, and April 2018, CPD updated random review requirements for WOLs to,

- specify the frequency with which WOLs must conduct random reviews;
- expand the scope of the review to include an assessment of compliance with policies and identification of training opportunities; and
- introduce documentation to record the results of reviews.²⁰

According to Section VI-D-3 of Special Order S03-14,²¹

¹⁸ Illinois law, through the Law Enforcement Officer-Worn Body Camera Act, requires law enforcement agencies, including CPD, to retain BWC recordings for 90 days. Recordings identified as having evidentiary or other value must be retained for at least two years, with recordings used in criminal, civil, or administrative proceedings to only be destroyed following the final disposition of a case. 50 ILCS 706/10-20

¹⁹ Civil Rights Division, US Department of Justice, *Investigation of the Chicago Police Department*, 78, (January 13, 2017), accessed February 26, 2019, <https://www.justice.gov/opa/file/925846/download>.

²⁰ See Appendix B for more detail on the revisions CPD has made to random WOL review requirements within Special Order S03-14.

²¹ Unless otherwise specified, references to Special Order S03-14 are to the version issued on April 30, 2018. City of Chicago, Chicago Police Department, "Special Order S03-14 Body Worn Cameras," accessed February 26, 2019, <http://directives.chicagopolice.org/directives/data/a7a57b38-151f3872-56415-1f38-89ce6c22d026d090.html?hl=true>.

[The WOL will] review one randomly selected BWC recording on their respective watch per tour of duty to ensure compliance with policy, assess the need for additional training and tactical improvement, ensure close and effective supervision, and that an OEMC event number has been assigned for the recording.²²

WOLs are supposed to record any compliance issues or training opportunities in a BWC Video Review Report²³ and document all videos reviewed each month in a BWC Videos Viewed Report. WOLs may give members under review an infraction or recommend counseling, training, and policy review.

The Special Order also includes requirements for the reporting and oversight of random WOL reviews. The directive requires that each district complete a Unit Level BWC Program Evaluation Report (Unit Report) every month. The Unit Report, completed by executive officers and approved by district commanders, includes a compiled evaluation of the Video Review Reports and all completed Videos Viewed Reports.²⁴ Districts submit Unit Reports to the Inspections Division commander, who, in turn, analyzes the reports and compiles them in a BWC Program Evaluation Committee Report (Quarterly Report).²⁵ The Inspections Division commander presents this report at the quarterly meetings of the Committee.

The Committee is chaired by the Chief of the Bureau of Patrol and includes the following members:

- Chief of the Bureau of Technical Services (Vice-Chairperson of the Committee)
- Chief of the Bureau of Organizational Development
- Chief of the Bureau of Internal Affairs
- General Counsel, Office of Legal Affairs
- Deputy Chief, Education and Training Division

²² Supervisors also review BWC recordings for other purposes, including the investigation of complaints against CPD members and use-of-force incidents, the monitoring of members with performance issues, and the approval of probable cause for arrests.

²³ CPD introduced the BWC Video Review Report in April 2018, replacing the prior BWC Video Audit Report from October 2017.

²⁴ The Unit Report also includes an evaluation of BWC activation activity reports, indicates the number and status of investigations into missing, lost, or damaged BWCs; reports the number of BWC-related Help Desk tickets along with a detailed description of the reason for obtaining a ticket, and describes noncompliance issues and any related corrective action.

²⁵ In the Quarterly Reports provided to OIG, the Inspections Division commander summarized ways in which districts were not in compliance with the Special Order, identified issues with reports used to document random WOL reviews, and described changes that have been made to the Special Order and related reports used to document random WOL reviews.

- Director, Research and Development Division
- Director, Information Services Division
- Commander, Inspections Division
- A designated police officer from the Bureau of Patrol

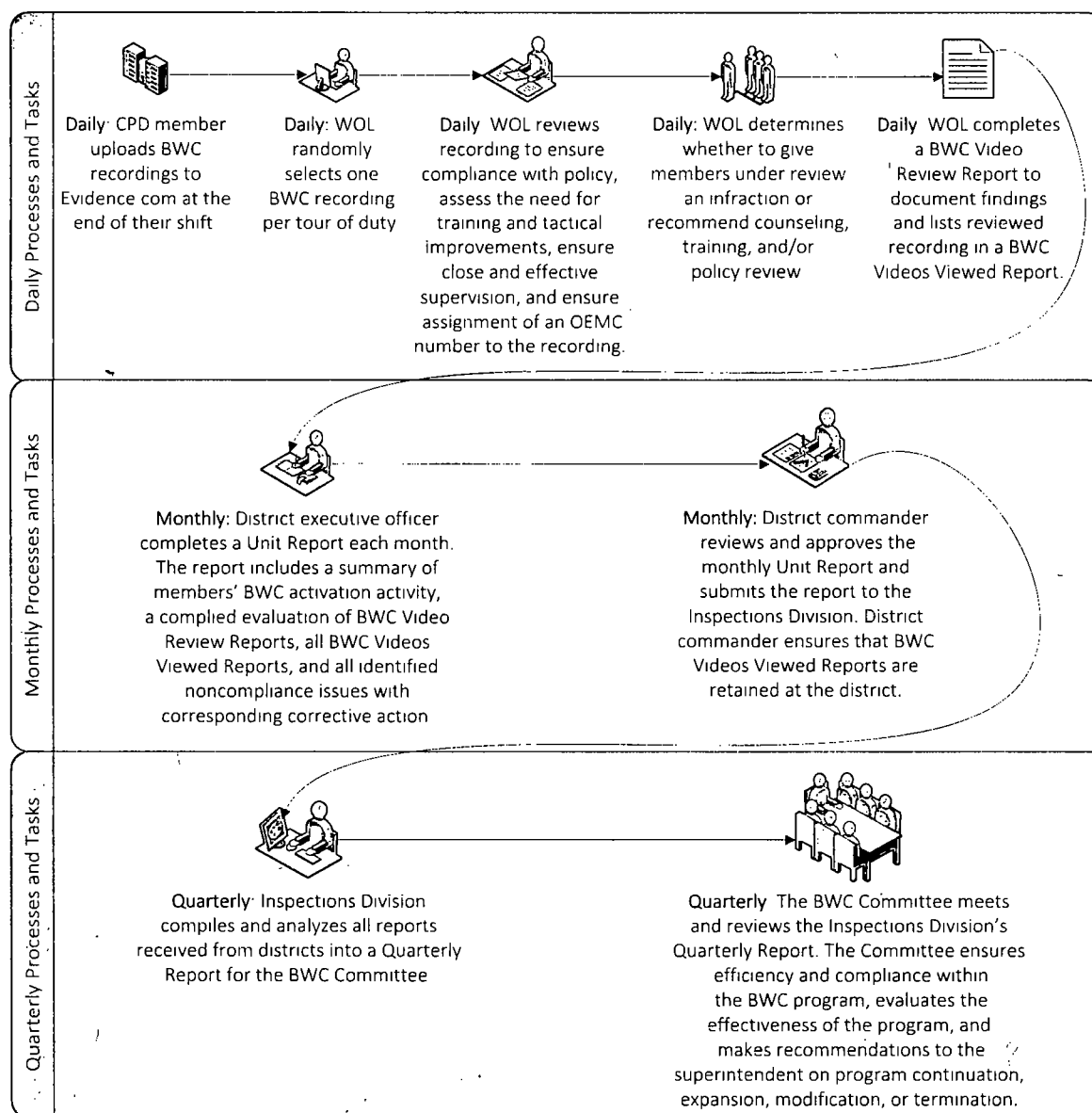
The Special Order lists the responsibilities of the Committee as,

- "ensuring the program is operating efficiently and within compliance of the law, Department policies, and best practices";²⁶
- "evaluating the effectiveness of the program and [determining] if it should be continued, expanded, modified, or terminated"; and
- "advising the Superintendent on the recommendations concluded by the committee."

Figure 1 below depicts the required steps in the random WOL review process, beginning with a Department member uploading their recordings to Evidence.com and ending with the Committee's quarterly meeting.

²⁶ CPD told OIG that it has provided guidance to other law enforcement agencies regarding best practices for BWCs and contributed to the Bureau of Justice Assistance's toolkit of best practices. CPD provided OIG with conference agendas that listed the chief of the CPD's Bureau of Technical Services as a speaker at several sessions, including one focused on best practices.

FIGURE 1: CPD PROCESS FOR RANDOM WOL REVIEWS OF BWC RECORDINGS AND RELATED REPORTS²⁷



²⁷ OIG developed this diagram of the random WOL review process and related report compilation based on Special Order S03-14.

III. OBJECTIVES, SCOPE, AND METHODOLOGY

A. OBJECTIVES

The objective of this evaluation was to determine whether CPD has ensured compliance with Special Order S03-14's requirement that WOLs review one randomly selected recording per tour of duty.

B. SCOPE

OIG focused its evaluation on the first seven districts that adopted BWCs: Wentworth (2nd district), South Chicago (4th district), Gresham (6th district), Deering (9th district), Ogden (10th district), Shakespeare (14th district), and Austin (15th district).²⁸

OIG's assessment of CPD's compliance with random WOL review requirements focused on the time period from November 1, 2017, to March 31, 2018. OIG's assessment of Committee meetings covered the time period between June 9, 2017, when the Special Order first defined the Committee's responsibilities, and June 20, 2018, when the Committee held its second quarterly meeting of that year.

C. METHODOLOGY

OIG assessed CPD's compliance with random WOL review requirements by reviewing Unit Reports and Quarterly Reports. While the Unit Reports were limited to the seven districts mentioned above, the Quarterly Reports also included limited information regarding random WOL reviews for all 22 CPD districts.

For the three districts that reported specific numbers of random WOL reviews per calendar month in Unit Reports, OIG assessed compliance by comparing the total numbers of reported reviews to the expected number of reviews per calendar month.²⁹ OIG calculated the expected number of reviews by taking one review per watch, multiplied by three watches per calendar day, multiplied by the total number of days in a calendar month. If a district's reported total was less than the expected total as required by the Special Order, OIG considered the district to be noncompliant for that month.

²⁸ To ensure that districts under review had enough experience using BWCs, OIG selected the CPD districts that have been using BWCs for the longest period.

²⁹ OIG did not independently verify the number of random WOL reviews completed by each district; assessments of compliance are based on the number of reviews reported by CPD. Thus, OIG cannot confirm if CPD's observed lack of compliance is due to WOLs not completing random reviews or to incomplete or inaccurate reporting of total random reviews completed in Unit Reports.

In addition to reviewing Unit Reports and Quarterly Reports, OIG drew on several other data sources to understand: 1) how CPD monitors compliance with requirements for the random WOL reviews, 2) how WOLs conduct these reviews, and 3) how the Committee operates. These additional data sources included,

- CPD policies and training materials related to random WOL reviews;
- interviews with WOLs from the Shakespeare (14th) and Austin (15th) districts;³⁰
- interviews with members of CPD management who serve on the Committee;
- inquiries about the Committee's meeting history; and
- observation of the Committee's June 2018 quarterly meeting.

³⁰ OIG chose to interview WOLs from these districts because they reported completing the most random WOL reviews in Unit Reports, suggesting the most experience with conducting the reviews

IV. FINDINGS

A. DISTRICTS DID NOT COMPLETE ALL RANDOM WOL REVIEWS REQUIRED BY SPECIAL ORDER S03-14, ACCORDING TO CPD'S OWN REPORTING

For the purposes of assessing CPD's compliance, OIG defined the expected number of random WOL reviews as 90 for months with 30 days, 93 for months with 31 days, and 84 for February. As shown in Table 1 below, none of the three districts providing specific numbers of random WOL reviews in Unit Reports reported the expected number of reviews per calendar month. One district, the 15th, reported completing nearly all expected reviews in February 2018, with 83 reported reviews, and March 2018, with 92 reported reviews.³¹

TABLE 1: RANDOM WOL REVIEWS REPORTED IN UNIT REPORTS³²

District	Nov. 2017	Dec. 2017	Jan. 2018	Feb. 2018	Mar. 2018
<i>Expected total per district</i>	90	93	93	84	93
Wentworth (2 nd district)	-	-	-	-	-
South Chicago (4 th district)	-	-	-	-	-
Gresham (6 th district)	-	-	-	-	-
Deering (9 th district)	-	-	-	51	36
Ogden (10 th district)	-	-	-	-	-
Shakespeare (14 th district)	69	75	81	78	82
Austin (15 th district) ³³	-	-	-	83	92

CPD's own assessment in its second Quarterly Report of 2018 also identified a lack of compliance with the requirements for random WOL reviews under the Special Order, with only three of CPD's 22 patrol districts identified as in compliance with these requirements in March 2018.³⁴

³¹ The 15th district reported that it had a visiting WOL during the February and March 2018 tours of duty for which it did not report completing random WOL reviews. However, the Special Order does not include any exemption to the general requirement.

³² The 9th district did not submit Unit Reports in November 2017 and January 2018. The 4th district did not submit a report in January 2018. The 2nd, 4th, and 10th districts reported or implied full compliance with random WOL review requirements in Unit Reports for some months but did not provide specific numbers for reviews completed.

³³ The 15th district reported video ID numbers of reviewed recordings for each tour of duty rather than total counts. OIG's count of reviews included tours of duty during first, second, and third watches reporting a video ID number or an "unassigned video."

³⁴ In this Quarterly Report, CPD identified the 14th district as in compliance in March 2018, despite the district reporting 82 of an expected 93 reviews (see Table 1 above).

While a comprehensive assessment of the causes for CPD's noncompliance is beyond the scope of this evaluation, one contributing factor is a lack of corrective action against WOLs for not completing random reviews. A member of the Committee described the BWC program as in its inception and stated that the Department, as of June 2018, did not yet want to issue formal discipline for not conducting reviews. However, the seven districts under review have all been using BWCs since at least August 2016, and the Special Order has required WOLs to review one BWC recording per tour of duty since June 2017.

The Department's noncompliance with random WOL review requirements has likely limited the ability of supervisors to ensure that members use BWCs as required and execute their duties in compliance with Department policy. It has also resulted in less information regarding BWC usage for the Committee to use in ensuring compliance within the BWC program and making appropriate recommendations to the superintendent.

B. CPD HAS NOT IMPLEMENTED A STANDARDIZED PROCESS TO ASSURE RANDOM SELECTION OF BWC RECORDINGS

According to the Special Order, WOLs must "randomly select" BWC recordings to review. To determine if CPD has implemented a standardized random selection process, OIG interviewed members of the Committee and WOLs from Shakespeare (14th district) and Austin (15th district). In addition, OIG reviewed the Special Order, training materials, and supplemental information posted on CPD's internal website, The Wire.

CPD has not provided specific guidance or standards for how WOLs should randomly select recordings for review in the Special Order, training materials, or supplemental information posted on The Wire.³⁵ For instance, these materials do not define random selection. They also do not specify the pool (e.g., all recordings from the previous tour of duty) from which recordings should be selected. In addition, CPD has not provided WOLs with specific training on how to conduct random reviews and has not monitored variations across districts in how WOLs execute reviews.

In the absence of guidance, training, and oversight, the WOLs interviewed by OIG have not been using a random selection method in which recordings have an equal

³⁵ As of June 2018, CPD's BWC training materials also provided out-of-date guidance regarding random WOL reviews. The materials advised WOLs to report the findings of their random reviews on documentation that CPD discontinued using for this purpose on October 17, 2017, when CPD introduced the BWC Video Audit Report. CPD then replaced the BWC Video Audit Report with the BWC Video Review Report on April 30, 2018.

probability of being selected.³⁶ WOLs reported that they first select a CPD member whose recordings they have not recently reviewed.³⁷ Next, using Evidence.com, they identify recent recordings made by the chosen CPD member and select one for review. During interviews, WOLs identified the length of a recording as a key factor in selection; they tend to select shorter recordings when they are busier. One WOL told OIG that expectations around member conduct may also play a role in selecting recordings, as a review would take less time to complete for a member who is perceived to generally act in accordance with Department policy.

The lack of a standardized process for randomly selecting recordings has created the risk that WOLs are reviewing a biased sample that is systematically different from the full population of recordings. For instance, if WOLs often select shorter videos, they may not identify compliance issues that occur in longer (and potentially more complicated) incidents. Reviews based on a biased sample may not provide an accurate portrayal of CPD members' compliance with Department policy. This has potentially prevented supervisors from identifying opportunities for corrective action and limited the Committee's ability to ensure overall compliance within the BWC program.

C. CPD HAS NOT EFFECTIVELY MONITORED COMPLIANCE WITH SPECIAL ORDER S03-14'S REQUIREMENTS FOR RANDOM WOL REVIEWS

Special Order S03-14 defines one of the responsibilities of CPD's BWC Committee as ensuring the BWC program is "operating . . . within compliance of the law, Department policies, and best practices." OIG based its assessment of CPD's ability to effectively monitor compliance on a review of Unit Reports, Quarterly Reports, CPD policies and training materials, and interviews with WOLs and members of the Committee.

CPD's monitoring of compliance with the requirements for WOLs to review BWC recordings has been limited by an ineffective method for assessing compliance and by incomplete reporting on random reviews to the Committee.

³⁶ In some instances, random selection may be used when elements of a population have unequal probabilities of being selected. Generally, random selection requires that all elements of a population have a known, non-zero probability of selection. The method described by WOLs also does not meet this general definition of random selection.

³⁷ One WOL told OIG that they do not systematically track which members they have recently reviewed, relying instead on their personal recollection.

1. AN INEFFECTIVE METHOD FOR ASSESSING COMPLIANCE

CPD has not established a clear and consistent definition of compliance, resulting in inconsistent and inaccurate determinations. For example, the Department has used different time periods to monitor and evaluate the number of random WOL reviews completed in each district. While Unit Reports document the number of reviews completed in each calendar month, the Inspections Division has used a standard based on the number of reviews conducted per 28-day period. These different time periods yield different standards for the number of reviews to be completed per district: for calendar months, 90, 93, or 84 reviews depending on the length of the month; for 28-day periods, 84 reviews.

CPD has mixed these different time periods and standards in a way that results in inaccurate determinations of whether districts are reporting the required number of random reviews. For example, the first Quarterly Report of 2018 stated that Unit Reports should follow the lower standard of 84 random WOL reviews each month (rather than for each 28-day period or just the month of February). However, districts that report completing 84 reviews in calendar months with 30 or 31 days would not meet the standard of 90 or 93 reviews implicated in the Special Order.

Furthermore, the Inspections Division has not consistently applied its standard of 84 random reviews per 28-day period. The second Quarterly Report of 2018 identified the 11th, 14th, and 19th districts as in compliance in March 2018. While the 11th district reported completing 88 reviews, the 14th and 19th districts reported completing 82 and 80, respectively. Therefore, two of these three districts fell below the Inspection Division's stated 84-per-district standard. The same Quarterly Report did not identify the 15th district as in compliance, despite the district reporting 92 completed reviews in March 2018 (see Table 1 above).

Additionally, the Inspections Division's standard of 84 reviews per 28-day period does not, by itself, allow CPD to determine compliance with the requirements for random WOL reviews. A district reporting the expected total number of random reviews in a 28-day period or a calendar month does not verify that WOLs actually conducted one review for each tour of duty. It might instead be indicative of multiple reviews for some tours and no reviews for others.³⁸

³⁸ While reporting the expected total number of reviews cannot establish that WOLs conducted random reviews in full accordance with the Special Order, reporting fewer than the expected total number of reviews can indicate which districts are not in compliance, as in OIG's analysis in Section IV-1

2. INCOMPLETE REPORTING TO THE BWC COMMITTEE REGARDING RANDOM WOL REVIEWS

CPD's ability to monitor compliance with the requirements for random WOL reviews has additionally been limited by incomplete reporting. As shown in Table 1 above, only three of seven districts for which OIG obtained Unit Reports reported their specific number of reviews conducted per month between November 2017 and March 2018. Only one of these three districts reported the specific number of reviews for all five months in scope. The lack of consistent and complete reporting from districts has limited the ability of the Inspections Division to report on random WOL reviews in its Quarterly Reports to the Committee.

The second Quarterly Report of 2018 provides another example of incomplete reporting on random WOL reviews. While the Special Order requires that the Inspections Division "analyze and compile all reports received" in preparing a Quarterly Report, the second Quarterly Report provided an evaluation of Unit Reports for a single month (March 2018) rather than the expected three months.³⁹

The lack of effective monitoring of compliance with requirements for random WOL reviews has likely limited the Committee's ability to fulfill its responsibilities to ensure compliance within the BWC program and to make appropriate recommendations to the superintendent.

D. THE BWC COMMITTEE DID NOT INITIALLY HOLD MEETINGS IN ACCORDANCE WITH SPECIAL ORDER S03-14

The Special Order directs the Committee to meet on a quarterly basis. The directive also stipulates that the "Commander, Inspections Division, will . . . present the final [Quarterly Report] . . . at the quarterly meetings." To determine whether the Committee held meetings as required, OIG requested dates for all Committee meetings and observed the Committee's second quarterly meeting of 2018.

CPD first defined the Committee's meeting schedule in a June 2017 revision to the Special Order. However, the Committee did not hold meetings in the third or fourth quarters of 2017, and its first quarterly meeting occurred on February 2, 2018. Furthermore, OIG noted that during the second quarterly meeting held on June 20, 2018, the Inspections Division commander did not present the latest available Quarterly Report (later provided to OIG) prepared on June 18, 2018. Instead, the

³⁹ The Special Order does not specify which three-month period should be covered by each Quarterly Report.

commander presented a summary of a Quarterly Report prepared on February 2, 2018.

The fact that the Committee did not meet in the third or fourth quarters of 2017 and that it did not review the latest available Quarterly Report at its second quarterly meeting in 2018 likely inhibited the Committee from fulfilling its responsibility to ensure that the BWC program operates effectively, efficiently, and in compliance with Department policies.

V. ADDITIONAL ISSUES OBSERVED BY OIG

During this evaluation, OIG identified two additional issues for CPD to consider. First, OIG identified the risk that members of the Inspections Division could potentially evaluate aspects of the random WOL review process that the Inspections Division commander helped design, presenting a potential conflict of interest.

The Inspections Division is an internal auditing body within CPD that, according to its standard operating procedures, "assists [CPD] in accomplishing its objectives by bringing a systematic and disciplined approach to evaluate and improve the effectiveness of the . . . Department's risk management, control, and governance processes."

CPD's Inspections Division follows, among other standards, the US Government Accountability Office's (GAO) Standards for Internal Control in the Federal Government (GAO Green Book). According to the GAO Green Book, "audits and other evaluations that may involve the review of control design and direct testing of internal control⁴⁰ . . . provide greater objectivity when performed by reviewers who do not have responsibility for the activities being evaluated."⁴¹

In CPD's BWC program, the Inspections Division commander participated in the design of internal controls related to random WOL reviews of BWC recordings. Specifically, the commander contributed to the development of the criteria used for the BWC Video Review Report and made recommendations to the Committee that resulted in revisions to this report and in the introduction of the BWC Videos Viewed Report. This past involvement creates a risk of reduced objectivity for any audits or evaluations of the design of these internal controls conducted in accordance with GAO Green Book standards.

OIG encourages CPD to consider the role of the Inspections Division in designing internal controls for the BWC program when planning audits, reviews, or evaluations of those internal controls to ensure objectivity. CPD may also consider revising the role of the Inspections Division commander in designing internal controls for the BWC program to avoid potential conflicts of interest.

⁴⁰ The GAO Green Book defines internal control as "a process effected by an entity's oversight body, management, and other personnel that provides reasonable assurance that the objectives of an entity will be achieved." US Government Accountability Office, *Standards for Internal Control in the Federal Government* (GAO-14-704G), September 2014, OVI 01, accessed February 26, 2019, <https://www.gao.gov/assets/670/665712.pdf>

⁴¹ US Government Accountability Office, *Standards for Internal Control in the Federal Government* (GAO-14-704G), September 2014, 16.07, accessed February 26, 2019, <https://www.gao.gov/assets/670/665712.pdf>.

Second, the Department's guidelines on recording selection direct WOLs to select an existing BWC recording. This precludes WOLs from using random reviews to identify instances in which members did not record incidents they are required to record by Section III of the Special Order. While an assessment of the effectiveness of the random WOL review process is outside the scope of this evaluation, these reviews may present opportunities for CPD to address this other important aspect of compliance with the Special Order.

VI. CPD ACTIONS UNDERTAKEN DURING THE EVALUATION PERIOD TO IMPROVE RANDOM WOL REVIEW COMPLIANCE

The BWC Committee has, in line with its responsibilities, recognized noncompliance with the requirements for random WOL reviews and taken some remedial steps to improve compliance. In its first and second Quarterly Reports of 2018, the Inspections Division identified areas of noncompliance with the Special Order's requirements, thus bringing these issues to the attention of the Committee.⁴²

Following the Committee's first quarterly meeting of 2018, based on the recommendation of the Inspections Division, CPD introduced the BWC Videos Viewed Report for WOLs to document reviewed recordings. CPD also revised the Special Order to require WOLs to log their reviews on these reports and to require districts to submit the reports to the Inspections Division each month as part of Unit Reports. The BWC Videos Viewed Report may contribute to improved reporting on random WOL reviews going forward, which may result in greater compliance with the Special Order's requirements.

Members of the Committee also informed OIG of planned measures that may improve monitoring of compliance with the requirements for random WOL reviews. In June 2018, the Bureau of Technical Services informed OIG of plans to implement a dashboard that can indicate if supervisors are conducting reviews of BWC recordings as required, providing an additional mechanism to assess compliance. The Inspections Division also informed OIG of plans to implement a review process that extends beyond monitoring the completion of random WOL reviews. Specifically, the Division stated its intention to select a sample of BWC recordings identified in BWC Videos Viewed Reports to assess the reviews conducted.

⁴² However, as previously explained in Section IV-3, in OIG's assessment, these reports did not adequately determine compliance with random WOL review requirements.

VII. OIG RECOMMENDATIONS

To achieve full compliance with the Special Order's requirements for random WOL reviews, OIG recommends the following:

1. CPD should monitor the impact of the steps the Committee has taken, and plans to take, to improve compliance with requirements for completing and reporting on random WOL reviews. CPD should take additional corrective measures to remedy continued noncompliance, as needed.
2. CPD should develop and implement a standardized process for randomly selecting recordings for review, including guidelines regarding the pool from which recordings are selected. CPD should also consider whether to revise this selection process in such a way that WOLs can identify incidents that should have been recorded but for which no video was recorded or uploaded.
3. CPD should take steps to ensure that WOLs adhere to any implemented standardized selection process when conducting their reviews. Such steps may include,
 - providing WOLs with specific training on proper random selection methods;
 - implementing an automated selection method for recordings to review; and
 - developing and monitoring internal controls to ensure that WOLs are selecting recordings in accordance with any implemented standardized process.
4. CPD should develop an effective method for monitoring compliance with the requirements for random WOL reviews. As explained above in Section IV-3, this method should not rely solely on total numbers of reviews reported per month and should account for all aspects of the requirements.

Furthermore, regarding the Committee's oversight of the BWC program, OIG recommends that CPD,

5. maintain a regular meeting schedule for the Committee;
6. ensure that meetings include a presentation of the latest available Quarterly Report by the Inspectors Division commander;
7. define which three-month period should be reviewed in Quarterly Reports; and
8. ensure that Unit Reports from all months in the year are reviewed in Quarterly Reports.

VIII. AGENCY RESPONSE

In response to our findings and recommendations, CPD acknowledged the need to improve compliance with its random WOL review requirement. CPD identified the following steps it has taken or is planning to take to address all of OIG's recommendations:

- Have the Office of Reform Management and Auditing Unit review the Department's implementation of its random review requirement, as required to fulfill CPD's obligations under the Consent Decree (Recommendation 1).
- Work with its BWC service provider Axon to use the Axon Performance platform to automate several components of the random WOL review process, including the random selection of recordings, the logging of review results, the sending of notifications to WOLs to remind them to conduct reviews and to alert them to potential indicators of noncompliance, and the creation of an audit trail of reviews (Recommendations 2, 3, 4, 7, 8).
- Continue holding quarterly meetings of the Committee (Recommendation 5).
- Continue presentations of Quarterly Reports by the commander of the Inspections Division to the Committee (Recommendation 6).
- Have the commander of the Inspections Division ensure that Quarterly Reports reflect the proper three-month period (Recommendation 7).
- Have the commander of the Inspections Division work with the Committee to ensure Quarterly Reports review all months of the year (Recommendation 8).

CPD also identified additional measures it can take to improve compliance, which, depending on how they are implemented, may also address OIG's recommendations:

- Incorporate the random review process into the training curriculum for new lieutenant classes (Recommendations 1, 3).
- Issue a Department-wide notice to clarify that the random review requirement applies to all assigned WOLs, including those visiting from other districts or units (Recommendation 1).
- Incorporate compliance updates on random WOL reviews into CPD's weekly CompStat accountability model (Recommendations 1, 4).
- Impose progressive discipline, training, or other remedial action in response to noncompliance with its BWC policy (Recommendation 1).

CPD did not specify a timeline for implementing the most substantial remedial action it intends to take: the use of the Axon Performance platform to automate key aspects

of the random review process. CPD identified the Axon Performance platform as providing the capacity to address five of OIG's eight recommendations.

The Department's response to this evaluation is included in Appendix F.

IX. CONCLUSION

CPD, like many police departments around the country, has made a substantial investment in BWCs to serve as both a tool for policing and police accountability. The effectiveness of the BWC program depends on CPD ensuring that its members utilize BWCs in compliance with Department policy. Random WOL reviews can provide information about how CPD members are utilizing BWCs and performing their duties, enabling the Department to take any necessary corrective actions to improve the BWC program. Awareness that their recordings may be randomly reviewed by WOLs may also encourage CPD members to ensure that they are using their BWCs properly and acting in accordance with Department policy.

Proper use of BWCs increases the likelihood that encounters between police officers and members of the public are recorded in a manner that can enhance transparency and accountability in how CPD members exercise their police powers. Proper use of BWCs can also protect members against unfounded complaints or criticism.

OIG encourages CPD to continue to examine and remediate the factors that have contributed to its noncompliance with Department policy, especially its inadequate monitoring and reporting of random WOL reviews. OIG will continue to monitor CPD's BWC program as the Department works to strengthen it.

APPENDIX A: CPD'S BWC IMPLEMENTATION TIMELINE

Patrol District (Number)	Date of Implementation
Shakespeare (14 th)	June 1, 2016 ⁴³
Austin (15 th)	June 13, 2016
Wentworth (2 nd)	June 29, 2016
South Chicago (4 th)	July 8-13, 2016
Ogden (10 th)	July 25, 2016
Gresham (6 th)	August 4, 2016
Deering (9 th)	August 18, 2016
Central (1 st)	March 10, 2017
Near North (18 th)	March 31, 2017
Englewood (7 th)	May 1, 2017
Harrison (11 th)	June 5, 2017
Chicago Lawn (8 th)	October 2, 2017
Rogers Park (24 th)	October 16, 2017
Lincoln (20 th)	October 23, 2017
Town Hall (19 th)	October 30, 2017
Morgan Park (22 nd)	October 30, 2017
Grand Crossing (3 rd)	November 6, 2017
Jefferson Park (16 th)	November 20, 2017
Calumet (5 th)	November 20, 2017
Albany Park (17 th)	November 27, 2017
Near West (12 th)	December 4, 2017
Grand Central (25 th)	December 4, 2017



⁴³ While the 14th District piloted a limited number of BWCs in January 2015, CPD identified June 1, 2016 as the date of implementation for this district.

APPENDIX B: REVISIONS TO CPD'S RANDOM WOL REVIEW REQUIREMENTS

Special Order 03-14 Version:	Random WOL Review Requirements <i>(italicized wording represents additions to random review sections)</i>	Changes to Documentation of Random WOL Reviews
December 30, 2015	The [WOL] will randomly review the recordings to ensure digitally recorded data is properly downloaded and there is an OEMC event number for each recording.	
May 10, 2016	The [WOL] will randomly review the recordings to ensure digitally recorded data is properly downloaded and there is an OEMC event number for each recording.	None.
June 9, 2017	The [WOL] <i>will review one randomly selected BWC recording on their respective watch per tour of duty to ensure compliance with policy, assess the need for additional training and tactical improvement, ensure close and effective supervision, and that an OEMC event number has been assigned for the recording. This review and any actions taken will be documented on the Watch Incident Log (CPD-21.916).</i>	CPD directed WOLs to document random reviews in the Watch Incident Log.
October 17, 2017	The [WOL] will: [...] 3. review one randomly selected BWC recording on their respective watch per tour of duty to ensure compliance with policy, assess the need for additional training and tactical improvement, ensure close and effective supervision, and that an OEMC event number has been assigned for the recording.	CPD replaced the Watch Incident Log with the Body Worn Camera Video Audit Report. The BWC Video Audit Report required WOLs to make a determination if an officer was in compliance with policy. It also included more detailed information regarding the reviewed

	<p>4. <i>complete a Body Worn Camera Video Audit Report (CPD-21.130) for the one randomly selected BWC recording viewed per tour of duty.</i></p>	<p>officer, the incident, the random review, and on any corrective actions taken.</p>
April 30, 2018	<p>The [WOL] will: [...]</p> <p>3. review one randomly selected BWC recording on their respective watch per tour of duty to ensure compliance with policy, assess the need for additional training and tactical improvement, ensure close and effective supervision; and that an OEMC event number has been assigned for the recording.</p> <p>4. <i>complete a Body Worn Camera Video Review Report (CPD-21.130) for the one randomly selected BWC recording viewed per tour of duty, and forward it to the executive officer.</i></p> <p>5. <i>log each video viewed in a Body Worn Camera Videos Viewed Report (CPD-21.131), and forward the completed report to the executive officer at the end of each month.</i></p>	<p>The BWC Video Review Report has a revised layout and incorporates a narrative section to add more information regarding any noncompliance issues. CPD also created the BWC Videos Viewed Report, which logs the event numbers for recordings reviewed.</p>

APPENDIX C: CPD'S SPECIAL ORDER S03-14 AS OF APRIL 30, 2018

 Chicago Police Department		Special Order S03-14	
BODY WORN CAMERAS			
			
ISSUE DATE:	30 April 2018	EFFECTIVE DATE:	30 April 2018
RESCINDS:	17 October 2017 Version		
INDEX CATEGORY:	Field Operations		

I. PURPOSE

This directive:

- A. continues the body worn camera (BWC) policy and procedures.
- B. satisfies:
 - 1. the requirements of the Illinois Officer-Worn Body Camera Act (50 ILCS 706/10); and
 - 2. CALEA standards in Chapters 1 and 41.
- C. discontinues the use of the Body Worn Camera Video Audit Report (CPD-21.130 (10/17)).
- D. introduces the use of the:
 - 1. Body Worn Camera Video Review Report (CPD-21.130 (Rev. 4/18)).
 - 2. Body Worn Camera Videos Viewed Report (CPD-21.131).

II. POLICY

- A. The Department is committed to protecting the safety and welfare of the public as well as its members. Audio and visual recordings from the body-worn camera (BWC) can improve the quality and reliability of investigations and increase transparency. Members will be trained prior to the assignment and utilization of the BWC. If a member assigned a BWC is in a vehicle equipped with an in-car video system, the member will follow both the In-Car Video Systems directive and this directive. Any member who knowingly fails to comply with this directive will be subject to progressive discipline, training, or other remedial action according to current Department policies. The definitions of various terms used in this directive are in Section XII.
- B. The Department does not intend to utilize the BWC to discipline members for isolated minor Departmental rule infractions consistent with the Illinois Officer-Worn Body Camera Act (50 ILCS 706/10) and the Department directive titled Complaint and Disciplinary Procedures.
- C. All 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 will be assigned and utilize a BWC.

NOTE: District commanders will ensure that all members under their command that are exempt from using BWCs are properly documented in the appropriate CLEAR application.

- D. Members will only use department-issued BWCs.
- E. Members will only use Department BWCs while on duty in accordance with this directive.

III. INITIATING, CONCLUDING, AND JUSTIFYING RECORDINGS**A Initiation of a Recording**

- 1 The decision to electronically record a law-enforcement-related encounter is mandatory, not discretionary, except where specifically indicated
- 2 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. If circumstances prevent activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical. Law-enforcement-related activities include but are not limited to
 - a calls for service,
 - b investigatory stops,
 - c traffic stops,
 - d traffic control,
 - e foot and vehicle pursuits,
 - f arrests,
 - g use of force incidents,
 - h seizure of evidence,
 - i interrogations,
 - j searches, including searches of people, items, vehicles, buildings, and places,
 - k statements made by individuals in the course of an investigation,
 - l requests for consent to search,
 - m emergency driving situations,
 - n emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene,
 - o high-risk situations,
 - p any encounter with the public that becomes adversarial after the initial contact,
 - q arrestee transports,
 - r any other instance when enforcing the law
- 3 A Department member may utilize discretion to activate the BWC for non-law-enforcement-related activities in the following circumstances
 - a in situations that the member, through training and experience, believes will serve a proper police purpose, for example, recording the processing of an uncooperative arrestee,
 - b in situations that may help document, enhance, and support the following: written reports, evidence collection, investigations, and court testimony; and
 - c when the member is engaged in community caretaking functions, unless the member has reason to believe that the person on whose behalf the member is performing a community caretaking function has committed or is in the process of committing a crime.
- 4 Upon initiation of a recording, Department members will announce to the person(s) they intend to record that their BWC has been activated to record

NOTE: Sworn members will not unreasonably endanger themselves or another person to conform to the provisions of this directive

B Deactivation of a Recording

1 The Department member will not deactivate event mode unless

- a the entire incident has been recorded and the member is no longer engaged in a law-enforcement-related activity,

For the purposes of the deactivation of BWCs, the Department has identified the following circumstances as the conclusion of a law-enforcement-related activity

- (1) the member has cleared the assignment,
- (2) the member leaves the scene of the incident,
- (3) for arrestee transports, when the arrestee
 - (a) is secured in the processing room and the member is only conducting administrative functions of the Department alone or only in the presence of other sworn members, or
 - (b) custody has been transferred to another Department member, lock-up personnel, mental health providers, or hospital personnel
- (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.

NOTE: 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 CFD is on the scene, the involved officers have been identified, and the crime scene has been established

- b requested by a victim of a crime,
- c requested by a witness of a crime or a community member who wishes to report a crime, or
- d the officer is interacting with a confidential informant

EXCEPTION: Department members may continue or resume recording a victim or witness if exigent circumstances exist or if the officer has reasonable articulable suspicion that a victim, witness, or confidential informant has committed or is in the process of committing a crime

2 Department members will ensure their BWC is deactivated, consistent with this directive, before providing an oral response to the public safety investigations for incidents involving a firearms discharge and/or officer-involved death.

3 The Department member will ensure that any request by a victim or witness to deactivate the camera, unless impractical or impossible, is made on the recording

4 Justification for **Deactivating a Recording**

The Department member will verbally justify on the BWC when deactivating it prior to the conclusion of an incident. When a member fails to record an incident or circumstances warrant the verbal justification of a deactivation as being impractical or impossible, the member will document the reason by activating the BWC and stating the type of incident, event number, and the reason for deactivating the recording

NOTE: Department members will notify their immediate supervisor when the BWC is deactivated prior to the conclusion of an entire incident

IV. PROHIBITED CONDUCT

A The BWC will not be activated to record

- 1 individuals in residences or other private areas not open to the public unless there is a crime in progress or other circumstances that would allow the officer to be lawfully present without a warrant
- 2 inside medical facilities, except when directly relevant and necessary to a law enforcement investigation and approved by the member's immediate supervisor
- 3 appearances at court or hearings. Members will turn off their BWC so that it is not in buffering mode after notifying the dispatcher and verbally announcing the reason for turning off the BWC
- 4 in connection with strip searches

NOTE: Department members will not activate the BWC to record strip searches

- 5 personal activities of other Department members during routine, non-enforcement-related activities

B The audio recording of a private conversation is prohibited by law when obtained or made by stealth or deception or executed through secrecy or concealment

C According to law, no officer may hinder or prevent any non-officer from recording a law enforcement officer who is performing his or her duties in a public place or when the officer has no reasonable expectation of privacy. Violation of this law may constitute disciplinary actions consistent with the directive entitled "**Complaint and Disciplinary Procedures**" as well as criminal penalties such as theft or criminal damage to property. However, a member may take reasonable actions to enforce the law and perform their duties.

V. OPERATIONAL PROCEDURES

Department members will

A. at the beginning of the tour of duty

- 1 sign-out their assigned BWC on the Personal Equipment Log (CPD-21 919) from the designated Department member,
- 2 visually and physically inspect the BWC and ensure that it is their assigned BWC, fully charged, and operational,
- 3 securely attach the BWC to the front of the member's person consistent with training,
- 4 ensure the BWC is on buffering mode prior to leaving the station

B during the tour of duty.

- 1 record incidents consistent with this directive
- 2 activate their BWCs and, when responding to incidents as an assist unit, obtain the primary unit's event number consistent with training,
- 3 annotate all reports that relate to a recorded incident as "BWC."

- 4 if seeking approval of felony charges through the Assistant State's Attorney Felony Review Unit, inform the ASA that the incident was recorded using a BWC.

NOTE: Department members may review their BWC recording of an incident prior to writing any report related to the incident. The member will document this fact in the narrative portion of the report. This includes but is not limited to case reports, arrest reports, and investigatory stop reports.

- 5 in any instance where a BWC was turned off or deactivated consistent with this directive, turn on or reactivate the BWC if required and as soon as it is safe and practicable to do so.

EXAMPLE: The member is cleared from court or the interview of the person requesting deactivation is completed.

C at the conclusion of a tour of duty

- 1 ensure the BWC is placed in the assigned slot on the docking station.
- 2 sign-in the BWC on the Personal Equipment Log (CPD-21 919)

VI. SUPERVISORY RESPONSIBILITY

A All supervisors assigned to oversee Department members utilizing Department-issued BWCs

- 1 will ensure
 - a Department members are utilizing their BWCs consistent with this directive
 - b if a member utilizes a BWC that is not assigned to him or her, an investigation is initiated and the Help Desk is contacted and a ticket is created for ISD to reassign the recordings in Evidence.com to the member who created the recordings
 - c the Help Desk is contacted and a ticket number is obtained whenever any member is unable to utilize the BWC or download digitally recorded data due to technical problems
 - d an investigation is initiated when notified of a missing, lost, or damaged BWC
 - e members who reviewed a BWC recording prior to writing any report document this fact in the narrative portion of the report prior to the supervisor's approval of the report

NOTE: Any actions taken must be documented on the Supervisor's Management Log (CPD-11 455) or the Watch Incident Log (CPD-21 916) as appropriate

- 2 are required to view recordings on Evidence.com for the following reasons
 - a to investigate a complaint against an officer or a specific incident in which the officer was involved,

EXCEPTION: The initiating supervisor is encouraged to view the relevant BWC recording for evidence of the complaint

- b when Department members have had a pattern of allegations of abuse or misconduct and have been placed in the Behavioral Intervention System or Personnel Concerns Program

B. District station supervisors (DSS) will ensure

- 1 the daily assignment roster sent to OEMC and entered in the PCAD identifies members who are assigned a BWC by placing the letter "K" next to the members' names

- 2 any supervisory review or actions taken in respect to BWC is documented on the Watch Incident Log (CPD- 21 916).
- C Whenever an incident requires the completion of a Tactical Response Report (TRR) (CPD-11 377), the lieutenant or above/exempt level incident commander responsible for approving the TRR will review all relevant videos of a BWC-related incident and ensure the reporting procedures outlined in the Department Directive entitled "**Incidents Requiring the Completion of a Tactical Response Report**" are followed and that the members involved complied with Department policy

NOTE: If unable to view a BWC-recorded incident, the reviewing supervisor will notify the Crime Prevention Information Center (CPIC) and request assistance from a designated member of the Information Services Division (ISD)

- D The watch operations lieutenant (WOL) will
 - 1 ensure members who reviewed a BWC recording prior to writing an arrest report document this fact in the narrative portion of the arrest report prior to initial approval of probable cause for any arrests
 - 2 whenever operationally feasible, review video of any arrest recorded by a BWC as part of the approval of probable cause
 - 3 review one randomly selected BWC recording on their respective watch per tour of duty to ensure compliance with policy, assess the need for additional training and tactical improvement, ensure close and effective supervision, and that an OEMC event number has been assigned for the recording
 - 4 complete a Body Worn Camera Video Review Report (CPD-21 130) for the one randomly selected BWC recording viewed per tour of duty, and forward it to the executive officer.
 - 5 log each video viewed in a Body Worn Camera Videos Viewed Report (CPD-21 131), and forward the completed report to the executive officer at the end of each month
- E The executive officer will complete a Unit Level Body Worn Camera Program Evaluation Report in a To-From-Subject format at the end of each month and submit it to the unit commanding officer no later than the 16th of the following month

1. The criteria for the unit level evaluation report will consist of
 - a an evaluation of the Body Worn Camera Total Activity Report

The Body Worn Camera Total Activity Report

 - (1) generates members' BWC activation activity
 - (2) is accessed on The Wire under the BWC tab
 - (3) will be ran and analyzed weekly to ensure compliance with Department policy and training

NOTE: The evaluation of the report will include a review of how many videos a member assigned a BWC has recorded respective to his or her current assignment and number of days worked

- b how many investigations were initiated for missing, lost, or damaged BWCs and the status of the investigation
- c how many Help Desk ticket numbers were obtained for any reason for a BWC and a detailed description of the reason
- d a compiled evaluation of the Body Worn Camera Video Review Reports (CPD-21 130).
- e all district Body Worn Camera Videos Viewed Reports (CPD-21 131)

- f all identified non-compliance issues, any corrective action that was taken, and a description of the incident including the status
 - 2 The executive officer will ensure corrective measures are taken for members who are found to be in non-compliance of Department policy or training. Any corrective action taken will be documented on the Unit Level Body Worn Camera Program Evaluation Report
- F District commanders/unit commanding officers
 - 1 or their designees will review BWC information quarterly in Evidence.com to ensure each recording has an OEMC event number assigned to it
 - 2 will ensure that Body Worn Camera Video Review Reports (CPD-21.130) are retained at the unit level
 - 3 will review and approve the monthly Unit Level Body Worn Camera Program Evaluation Report, which includes the criteria established by the Commander of the Inspections Division listed in item VI-E of this directive, and submit the report through the chain of command to the Commander, Inspections Division, ATTN: BWC Program Evaluation Committee

VII. BUREAU AND DIVISION RESPONSIBILITIES

- A. The Information Services Division (ISD)
 - 1 will ensure all authorized Department members and any authorized outside-agency personnel have access to view recordings on the Evidence.com database that relate to their official duties
- NOTE:** Supervisors, members of the Bureau of Internal Affairs, members of the Inspections Division, and Civilian Office of Police Accountability (COPA) investigators may view the digitally recorded footage from BWCs on Evidence.com as determined by their clearance level and as authorized by the Information Services Division
- 2 is responsible for
 - a assigning, reassigning, and replacing BWCs
 - b reassigning the recordings in Evidence.com to the member who created the recordings, if a member uses a BWC that was not assigned to him or her
 - c is responsible for the annual report consistent with 50 ILCS 706/10-25.
- B The Inspections Division will promote compliance with the policy and procedures of this directive consistent with procedures established by the Commander, Inspections Division

VIII. OFFICER-INVOLVED SHOOTING OR OTHER INCIDENT THAT INVOLVES GREAT BODILY HARM TO A PERSON

- A Department members involved in an officer-involved shooting or other incidents that involves great bodily harm will provide their BWCs when so directed by a supervisor
- B The assigned street deputy will direct a supervisor to take control of the BWCs once the scene is secured
- C The supervisor directed by the street deputy to take control of the BWC will ensure
 - 1 the recording is available for immediate viewing by authorized personnel investigating the incident, and
 - 2 the BWC is returned to the docking station in the unit of assignment and uploaded

IX. VIEWING DIGITALLY RECORDED DATA

- A Recordings are stored and viewed on Evidence.com

- B If the digitally recorded data must be viewed before it is uploaded to Evidence.com, the BWC will be taken to a Department facility equipped with a computer identified by ISD as capable of showing the video
- C Department members authorized to view recordings on Evidence.com will use their unique user access credentials from a Department computer at a Department facility
- D Non-authorized Department members who are seeking to view copies of recordings from a BWC will complete the form entitled "Digitally Recorded Data Viewing/Hold/Duplication Request" (CPD-65 224) and forward it to the Records Division

NOTE: All digitally recorded data created with BWCs are the property of the Department. Dissemination outside the Department of any BWC-recorded data is strictly prohibited without specific authorization by the Superintendent or an appointed designee *in compliance with (50 ILCS 706/) Law Enforcement Officer-Worn Body Camera Act*. Unauthorized duplicating, deleting, altering, capturing, or disseminating of any audio or video from BWC footage is strictly prohibited.

X. RETENTION

All digitally recorded data created by the BWC will be retained in accordance with the Department's Forms Retention Schedule (CPD-11 717) and the Illinois Officer-Worn Body Camera Act (50 ILCS 706/10)

- A Recordings made on BWCs must be retained for a period of 90 days unless any incident captured on the recording has been flagged
- B Under no circumstances will any BWC recording of a flagged incident be altered or destroyed prior to two years after the recording was flagged. If the flagged recording was used in a criminal, civil, or administrative proceeding, the recording will not be destroyed except upon a final disposition and order from the court.

The recording must be flagged in Evidence.com in the following manner:

- 1 ISD will flag encounters resulting in a detention, including investigatory stops or an arrest, and excluding traffic stops which resulted in only a minor traffic offense or business offense
- 2 The involved member's supervisor will flag recordings that capture
 - a an officer discharging his or her firearm or using force during the encounter,
 - b death or great bodily harm to any person,
 - c incidents that a supervisor, prosecutor, defendant, or court determines has evidentiary value in a criminal prosecution
- 3 The Bureau of Internal Affairs will flag recordings that relate to a complaint against a Department member or an officer who is the subject of an internal investigation
- 4 Recording members may flag their own recordings for purposes related to their duties
- 5 Recordings may be flagged by other investigative bodies that have the legal authority to do so
- C Prior to the 90-day storage period, recordings may be flagged and retained if a supervisor designates the recording for training purposes

XI. BODY WORN CAMERA PROGRAM EVALUATION COMMITTEE

- A Committee Membership
 - 1 The Body Worn Camera Program Evaluation Committee will consist of the following members
 - a Chief, Bureau of Patrol;

- b Chief, Bureau of Technical Services,
 - c Chief, Bureau of Organizational Development,
 - d Chief, Bureau of Internal Affairs;
 - e General Counsel, Office of Legal Affairs,
 - f Deputy Chief, Education and Training Division,
 - g Director, Research and Development Division,
 - h Director, Information Services Division,
 - i Commander, Inspections Division, and
 - j Designated police officer, Bureau of Patrol.
- 2 The Chief, Bureau of Patrol, will serve as chairperson of the committee
 - 3 The Chief, Bureau of Technical Services, will serve as the vice-chairperson of the committee
 - 4 The chairperson will designate a police officer from the Bureau of Patrol to serve on the committee
 - 5 Committee meetings will convene quarterly and upon notification from the Chairperson
 - 6 The Commander, Inspections Division, will analyze and compile all reports received and present the final report to the Body Worn Camera Program and Evaluation Committee at the quarterly meetings
- B Responsibility
- The Body Worn Camera Program Evaluation Committee is responsible for
- 1 ensuring the program is operating efficiently and within compliance of the law, Department policies, and best practices
 - 2 evaluating the effectiveness of the program and determine if it should be continued, expanded, modified, or terminated
 - 3 advising the Superintendent on the recommendations concluded by the committee

XII. DEFINITIONS

For purposes of this directive the following definitions apply

- A **Activate** To double press the event button on the body-worn camera to switch the camera from buffering mode to event mode to begin permanently recording audio and digital media
- B **Bodily Harm** A bodily injury that does not create a substantial risk of death, does not cause serious, permanent disfigurement, or does not result in long-term loss or impairment of the functioning of any bodily member or organ
- C **Body-Worn Camera (BWC)** Equipment worn by a Department member that captures audio and digital media that includes, at a minimum, a camera, microphone, and recorder
- D **Community Caretaking Function** A task undertaken by a law enforcement officer in which the officer is performing an articulable act unrelated to the investigation of a crime "Community caretaking function" includes, but is not limited to, participating in town halls or other community outreach, helping a child find his or her parents, providing death notifications, and performing in-home or hospital well-being checks on the sick, elderly, or persons presumed missing.
- E. **Deactivate** To press and hold the event button on the body-worn camera to stop permanently recording audio and digital media and returning the camera back to buffering mode
- F **Flag** Utilizing the category box in Evidence.com to extend the retention of recorded digital media captured by a body-worn camera beyond the 90 days required by law
- G **Force** Any physical effort by a Department member to compel compliance by an unwilling subject

- H **Great Bodily Harm.** A bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ
- I **Private Conversation** Any oral communication between two or more persons, whether in person or transmitted by other means, when one or more of the parties intends the communication to be of a private nature under circumstances reasonably justifying that expectation. A reasonable expectation shall include any expectation recognized by law, including, but not limited to, an expectation derived from a privilege, immunity, or right established by common law, case law, state or federal statute, or the Illinois or United States Constitution (720 ILCS 5/14-1)

New or revised items indicated by *double underline and italics*

Authenticated by KC

Eddie T. Johnson
Superintendent of Police

18-009 MJC

APPENDIX D: CPD'S BWC VIDEO REVIEW REPORT

BODY WORN CAMERA VIDEO REVIEW REPORT/Chicago Police Department

BWC - Video Info	Date/Time Video Viewed?				BWC Serial #		Event #				
Officer Information	Last Name			First Name			Employee #		Star #		
Officer Information	Unit		Watch		Beat #		Assignment Description				
Incident Details	RD #			Date/Time		Location of Occurrence			Beat of Occ		
Incident Details	Arrest made?		IR #			CB #		TRR completed?		Supervisor on scene?	
	<input type="checkbox"/> Y <input type="checkbox"/> N							<input type="checkbox"/> Y <input type="checkbox"/> N		<input type="checkbox"/> Y <input type="checkbox"/> N	

NARRATIVE (Briefly describe the incident)

BODY WORN CAMERA VIDEO REVIEW REPORT/Chicago Police Department

BWC Review	BWC activated at appropriate time of incident?	BWC worn appropriately?	Officer stated intent to record?	BWC deactivated properly?	BWC functioning properly?	<input type="checkbox"/> Lost <input type="checkbox"/> Stolen <input type="checkbox"/> Damaged
	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	RD # _____
BWC Supervisory Action	Law-enforcement-related activity?	Ticket # generated?	Ticket # (If Applicable)		Entire incident recorded?	
	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N			<input type="checkbox"/> Y <input type="checkbox"/> N	
BWC Supervisory Action	Prohibited conduct recorded?	Infraction given?	Infraction # (If Applicable)	Non-Disciplinary		
	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> CR <input type="checkbox"/> CL <input type="checkbox"/> SPAR		<input type="checkbox"/> Counseling <input type="checkbox"/> Training <input type="checkbox"/> Policy Review		
After viewing the BWC footage, the undersigned classifies the usage in this incident as <input type="checkbox"/> IN Compliance <input type="checkbox"/> NOT IN Compliance						

NOTES: (Describe any additional information and if you answered no to any of the questions above, explain in this section)

Reviewing Supervisor Name (Print)	Star #	Signature	Date/Time Completed
Executive Officer Name (Print)	Star #	Signature	Date/Time Completed

CPD-21.130 (Rev. 4/18)

(SIDE 2)

APPENDIX F: CPD'S RESPONSE LETTER



Lori E. Lightfoot
Mayor

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

Eddie T. Johnson
Superintendent of Police

June 20, 2019

VIA ELECTRONIC MAIL

Mr. Joseph Lipari
Deputy Inspector General
Public Safety Section
City of Chicago Office of Inspector General
740 N. Sedgwick, Suite 200
Chicago, Illinois 60654
jlipari@igchicago.org

Re: CPD's Response to OIG's Evaluation of Random Reviews of CPD's Body Worn Camera Recordings

Dear Deputy Inspector General Lipari:

Please see below the Chicago Police Department's ("CPD") response to the City of Chicago Office of Inspector General's ("OIG") *Evaluation of Random Reviews of CPD's Body Worn Camera Recordings*.

I. Summary Response:

In 2016, the Chicago Police Department made an unwavering commitment to build trust and transparency with Chicago residents. A critical component of this effort has been CPD's body-worn camera program, which at its inception was the largest such camera deployment in the nation. CPD initially set out to deploy cameras to all patrol and tactical officers in each district over a two-year timeframe, or by the close of 2018. Recognizing the importance of the body-worn camera initiative, the Department expedited its camera rollout to all districts one year ahead of schedule. CPD achieved its goal under the expedited timeline, and equipped all patrol and tactical officers in every district with body-worn cameras in December of 2017.

Leading up to the body-worn camera rollout, CPD spent considerable time working through the parameters of its policy and implementation strategy. Given the contemporary nature of this technology and its lack of familiarity among law enforcement, CPD recognized that the implementation of its body-worn camera program in a Department of this size would require ongoing training, review, and improvements. CPD's policies and practices have since evolved, and will continue to do so, as officers utilize the camera technology and learn from experience in the field.

One component of the body-worn camera policy that CPD has identified as an area for improvement, and serves as the basis of the OIG's report, is the random review of body-worn camera footage during each tour of duty by a watch operations lieutenant. Based upon best practices from law enforcement and researchers across the country, CPD identified this random review component as an important part of its overall body-worn camera implementation plan. The goal of the random review protocol is to proactively identify problems or areas of noncompliance with body-worn cameras in the field. It allows supervisors to address issues concerning

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individual officers or identify patterns across certain units or districts, and provides a preemptive opportunity for reassessment, troubleshooting, or refresher training. The random review component was ultimately adopted into the Chicago Police Department's Consent Decree with the Illinois Attorney General's Office. *See State of Illinois v. City of Chicago*, Case No. 17-cv-6260, ¶238(g) ("CPD's body-worn camera policy will...require periodic random review of officers' videos for compliance with CPD policy and training purposes.")

In order to improve compliance with watch operations lieutenant random review of body-worn camera footage during each tour of duty, CPD has identified both structural internal steps it can take, as well as automated functions to streamline the review process. A summary of these efforts to improve random review compliance is set forth below:

- Incorporate the random review process into the training curriculum for new lieutenant classes, and emphasize the purpose and importance of completing the body-worn camera review process each tour of duty;
- Update the body-worn camera policy to make it abundantly clear that the random review requirement applies during each tour of duty to the assigned watch operations lieutenant for that shift, *including those lieutenants visiting from other districts or units who are acting in the role of a watch operations lieutenant*;
 - o Note -- CPD has already issued a Department-wide notice from the Chief of the Bureau of Patrol to this effect; *See BOP #19-0105, 22-Apr-2019*
- Incorporate compliance updates into CPD's weekly CompStat accountability model, allowing district command staff to see the ratio of random review reports completed per watch, and answer to issues regarding noncompliance with the policy;
- Automate several components within the random review process in order to assist with compliance and increase efficiencies for watch operations lieutenants --
 - o Create an automated random selection process that generate videos for watch operations lieutenants based upon a computer algorithm, ensuring that individual officers are reviewed on a truly arbitrary basis and at a similar frequency;
 - o Create an automated function for watch operations lieutenants to log and complete each video review report and forward to the chain of command;
 - o Create an automated notification system that serves various functions, including a reminder for watch operations lieutenants to conduct a random review of body-worn camera footage each shift, as well as potential indicators of noncompliance among a unit or an individual officer under the lieutenant's span of control;
 - o Create an automated audit trail to review compliance with the random video review component of the body-worn camera policy, including the user, date, time, and results of the video review delineated by watch;
- Continue convening the BWC Program Evaluation Committee on a quarterly basis to review compliance

issues;

- In accordance with its requirements under the Consent Decree, impose progressive discipline, training, or other remedial action on officers who do not comply with the body-worn camera policy, as permitted by law; *See State of Illinois v. City of Chicago*, Case No. 17-cv-6260, ¶239.

II. OIG Recommendations and Response:

The OIG has submitted a series of recommendations related to CPD's compliance with watch operations lieutenants' random review of body-worn camera footage. CPD has taken or is planning to take steps that coincide with the OIG's recommendations and address compliance with this portion of the body-worn camera policy. CPD reminds the OIG and the public that the initiatives outlined below are subject to potential review and deference to the court-appointed Independent Monitor under the Consent Decree, collective bargaining agreements, applicable litigation, or other court order.

***Recommendation 1** – CPD should monitor the impact of the steps the Committee has taken, and plans to take, to improve compliance with requirements for completing and reporting on random WOL reviews. CPD should take additional corrective measures to remedy continued noncompliance, as needed.*

Response 1 – Given that compliance with the body-worn camera random review policy is a requirement under the Consent Decree, CPD has a full-time team of sworn and civilian members reviewing the program for compliance under the Office of Reform Management. *State of Illinois v. City of Chicago*, Case No. 17-cv-6260, ¶238(g). The Office of Reform Management works alongside and reports to the court-appointed Independent Monitor, who has the authority to review and monitor progress on policy implementation. *Id.* at ¶¶626-637. Additionally, CPD's newly established Auditing Unit conducts routine reviews of the Department's implementation of certain policies and reforms, and plans to begin its first district-level review of compliance with random review of body-worn camera footage later this year. *Id.* at ¶576. With several efforts already underway to oversee the program is properly carried out, CPD will continue its work to refine and improve the body-worn camera policy and implementation plan.

***Recommendation 2** – CPD should develop and implement a standardized process for randomly selecting recordings for review, including guidelines regarding the pool from which recordings are selected. CPD should also consider whether to revise this selection process in such a way that WOLs can identify incidents that should have been recorded but for which no video was recorded or uploaded.*

Response 2 – CPD's Bureau of Technology Services has been working with its body-worn camera program services provider, Axon, to develop several automated processes that will improve compliance with CPD's policy goals. One automated process that the vendor is providing to CPD under their *Axon Performance* platform will utilize a random selection algorithm, removing the human element from random selection of body-worn camera footage altogether. For example, the watch operations lieutenant will simply log in and click to begin a body-worn camera review for that tour of duty, and the algorithm will select and produce a video logged by an officer under the lieutenant's span of control for viewing. The algorithm is programmed to select officers at a similar rate of frequency and cadence, to ensure that some officers are not consciously or subconsciously over-selected or overlooked for compliance review.

This automated process should ensure fairness and efficiency in the random selection process across all districts and watches in CPD.

An additional function in the *Axon Performance* platform allows supervisors to view an officer's activation rate for incidents and calls for service that require body-worn camera recording. The function permits CPD to exclude certain call types and dispositions that do not require camera activation under the policy. CPD will continue to work with the vendor to incorporate this function into its body-worn camera compliance review, and in alignment with its policy goals.

CPD reiterates that implementation and policy revision the technology described above are subject to review and legal obligations under the Consent Decree, and any applicable collective bargaining agreement provisions or litigation. CPD notes that there is currently pending litigation before the Illinois Labor Relations Board related to officer compliance with body-worn camera policy. See *Fraternal Order of Police Lodge 7 v. City of Chicago*, L-CA-17-037.

Recommendation 3 – CPD should take steps to ensure that WOLs adhere to any implemented standardized selection process when conducting their reviews. Such steps may include,

- o Providing WOLs with specific training on proper random selection methods;
- o Implementing an automated selection method for recordings to review; and
- o Developing and monitoring internal controls to ensure that WOLs are selecting recordings in accordance with any implemented standardized process

Response 3 – As discussed in Response #2 above, the *Axon Performance* random video review algorithm will remove the watch operations lieutenant's ability to select a video of their choosing. Once the automated selection takes place, the watch operations lieutenant cannot bypass or rerun the random selection function after the video has been generated for review. The *Axon Performance* software platform will then include an automated log that provides the user, date, and time the video was viewed. CPD can use this time-stamped review to provide an audit trail for compliance metrics. As this technology platform is finalized in alignment with CPD's body-worn camera policy, CPD will revise the policy and training guidelines as appropriate.

Recommendation 4 – CPD should develop an effective method for monitoring compliance with the requirements for random WOL reviews. As explained above in Section IV-3, this method should not rely solely on total numbers of reviews reported per month and should account for all aspects of the requirements.

Response 4 – As discussed in Response #3 above, the newly adopted software functions in the *Axon Performance* random video review platform will also serve to generate an automated audit trail for compliance review. With the randomized selection process now generated by a computer algorithm, supervisors at CPD will further be able to review and ensure compliance by watch. Together, these capabilities should quickly enhance CPD's ability to determine where compliance issues exist and determine effective resolutions.

Recommendation 5 – Maintain a regular meeting schedule for the Committee.

Response 5 – The Body-Worn Camera Committee will continue to meet quarterly under the leadership of the Chief of the Bureau of Patrol. Moving forward, where unforeseen circumstances arise that require the many command staff members who serve on the Committee to reprioritize their schedules, the quarterly meeting will be rescheduled rather than cancelled outright.

Recommendation 6 – *Ensure that meetings include a presentation of the latest available Quarterly Report by the Inspections Division Commander.*

Response 6 – The Inspections Division Commander will continue to present the quarterly report to the Committee for each meeting in accordance with Special Order S04-13(XI)(A)(6).

Recommendation 7 – *Define which three-month period should be reviewed in Quarterly Reports.*

Response 7 – As discussed in Responses #2-4, once the Bureau of Technology Services incorporates the *Axon Performance* platform into the random video review process, an audit trail will be created as part of the review function allowing the Committee to see a comprehensive lookback into compliance with the policy. CPD will adapt its policy to align with the new audit technology as appropriate. The Inspections Division Commander will ensure that the quarterly report reflects the proper three-month period in accordance with Special Order S04-13(XI)(A)(6).

Recommendation 8 – *Ensure that Unit Reports from all months in the year are reviewed in Quarterly Reports.*

Response 8 – As discussed in Responses #2-4, once the Bureau of Technology Services incorporates the *Axon Performance* platform into the random video review process, an audit trail will be created as part of the review function allowing the Committee to see a comprehensive lookback into compliance with the policy. CPD will adapt its policy to align with the new audit technology as appropriate. The Inspections Division Commander will work with the Committee Chair and members to ensure all months in the year are reviewed in accordance with Special Order S04-13(XI)(A)(6).

Thank you for your communication on this matter. Please reach out to the Office of Legal Affairs with any additional questions.

Sincerely,



Dana O'Malley
General Counsel
Office of the Superintendent
Chicago Police Department

MISSION

The City of Chicago Office of Inspector General (OIG) is an independent, nonpartisan oversight agency whose mission is to promote economy, efficiency, effectiveness, and integrity in the administration of programs and operations of City government. OIG achieves this mission through,

- administrative and criminal investigations by its Investigations Section;
- performance audits of City programs and operations by its Audit and Program Review Section;
- inspections, evaluations and reviews of City police and police accountability programs, operations, and policies by its Public Safety Section; and
- compliance audit and monitoring of City hiring and employment activities by its Hiring Oversight Unit.

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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.

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