

3.22

Law Enforcement Officer-Worn Body Camera Recordings

You have heard testimony that _____ was wearing a body-worn camera but the recording was [(not captured) (destroyed) (altered) (intermittently captured)]. If you find by a preponderance of the evidence that the recording was intentionally [(not captured) (destroyed) (altered) (intermittently captured)] and the State did not provide a reasonable justification for this action, you should consider that when determining what weight to give this evidence.

Committee Note

50 ILCS 706/10-30 (West 2023), effective January 1, 2016.

Give Instruction 4.18, defining the term “preponderance of the evidence”.

Use this instruction when there is some evidence to support it. *People v. Tompkins*, 2023 IL 127805, ¶ 47.

Section 10-30 includes the intentionality of the officer’s conduct and the lack of reasonable justification as two separate considerations, leaving the determination of each to the finder of fact. *Tompkins*, 2023 IL 127805, ¶ 52. Thus the jury is tasked with determining whether an officer purposefully, and not accidentally, failed to record an incident. *Id.* If the jury finds that it was purposeful, the jury then must consider whether the failure was reasonably justified. *Id.*

Insert the name of the law enforcement officer whose body-worn camera is at issue in the blank.