MINNEAPOLIS POLICE BODY WORN CAMERA POLICY
DRAFT ISSUE MARCH 1, 2016 VERSION

DRAFT 03-01-16

Purpose

This policy will provide MPD personnel with procedures for the use, management, access, retention, handling of evidence, storage, and retrieval of recorded media captured by Body Worn Camera (BWC) equipment. The purpose of utilizing BWC equipment by Minneapolis Police Department Officers is to accomplish the following:

- Capture digital audio-video evidence for criminal, civil, and traffic-related court cases.
- Assist officers with recalling facts or other details captured by the equipment that will help them accurately articulate a chain of events when writing reports.
- Be used as a training tool for officer safety and best practices in the MPD.
- Assist in the assessment of contacts between officers and the public by reviewing procedures and interpersonal actions.
- To enhance public trust by preserving evidence of officer-citizen interactions.

The BWC equipment is not to be used for the purpose of surveillance of officers. However, data captured by the BWC may be accessed and/or used as evidence relating to a complaint of misconduct made against an officer; in situations where evidence of officer misconduct is discovered during the course of authorized access or review of BWC data with regard to equipment functionality, policy compliance, or in pending administrative, criminal, civil, or traffic matters.

In no event shall any recording be used or shown for the purpose of ridiculing, embarrassing or intimidating any person, either civilian or sworn. The BWC shall not be used for the purpose of intimidating or discouraging an individual from observing police activity, making appropriate inquiries to the police or making a complaint.

All officers who are issued a BWC must have a basic knowledge and understanding of the operation of the BWC. Officers must receive training in the use of the BWC by an authorized MPD employee and only those officers that have received the department authorized training may operate a BWC. All MPD employees who use the BWC systems shall receive training on these systems.

OFFICER RESPONSIBILITIES

The term "officer" is used generically in this document and includes all sworn officers regardless of rank and also includes all applicable non-sworn personnel.

Officers assigned the BWC shall use it in accordance with MPD training, MPD policies, and the manufacturer's recommendations.

Officers shall complete department authorized training in the use and operation of the BWC's prior to the assignment of a BWC.

Officers shall wear the BWC during their shift at all times during which they could reasonably anticipate that they may become involved in a situation for which activation is appropriate in accordance with this policy.

Officers shall conduct a BWC equipment check to ensure that the equipment is working properly at the beginning of their shift and periodically throughout the shift.

Officers shall notify their immediate supervisor as soon as practical of any missing, damaged, or malfunctioning BWC equipment.

Officers shall notify their immediate supervisor of any recorded event believed to be of value for administrative review.

Officers shall upload all BWC digital data at the conclusion of their shift by placing their BWC in the assigned docking stations. Officers shall classify recorded events as appropriate, based on the options available under the classification/storage software. This classification should be done shortly after the recorded incident is concluded, but must be done prior to upload at the end of the officer's shift.

Officers who are equipped with a BWC and are operating a squad car that is equipped with Mobile Video Recording (MVR) equipment shall activate the MVR as required by policy and shall also activate the BWC in compliance with this policy.

Officers wearing a BWC are not required to wear a MVR microphone.

When feasible, officers are encouraged to inform members of the public that they are being recorded. If asked, officers should inform those inquiring that audio-video recording equipment is in use, unless doing so would be unsafe for officer and/or members of the public.

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RESTRICTIONS

Officers shall not use the BWC to record interactions solely with or among other department employees except in circumstances for which activation is appropriate in accordance with this policy.

Officers shall not use the BWC for personal use or any other reason inconsistent with this policy.

Officers shall not use any personally-owned recording device to capture audio or video data. Only those devices issued by the department are authorized for such use.

Disabling BWC equipment, intentionally interfering with audio/video recording capabilities and/or altering, duplicating, deleting or destroying BWC recordings is prohibited, except by authorized personnel.

SUPERVISOR RESPONSIBILITIES

Supervisors shall ensure that officers follow established procedures for the use and maintenance of BWC equipment and the completion of BWC documentation.

Supervisors shall ensure that appropriate measures are taken when informed of any missing, damaged, or malfunctioning BWC equipment. This will include notification to BTU of the situation, replacing the camera in question, and making any necessary reports.

Supervisors shall respond to the scene of an incident that requires immediate retrieval of recordings and ensure that the appropriate downloading procedures are followed. If an incident occurs that involves substantial bodily harm or great bodily harm, the supervisor will ensure that officers download the video as soon as practical following any necessary duties as part of the incident. The same requirements shall apply to any incident the supervisor deems may be a "high profile" incident.

When conducting force reviews, supervisors shall view any pertinent BWC video as part of the review.

OFF DUTY

Officers assigned BWCs shall use their body cameras during part time/off duty work and shall comply with this policy. BWC use is allowed only for approved off-duty jobs within the City of Minneapolis and while wearing the MPD Uniform.

Officers shall not receive City wages for picking up or dropping off their BWC from their precinct station house when it is picked up or dropped off for off-duty jobs.

Officers shall not use MPD issued BWCs while working for another agency.

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ACTIVATION

Officers shall manually activate the BWC to Record Mode during the below situations. Activation shall occur as soon as possible, but before any citizen contact.

-Traffic Stops

-Suspicious Person Stops

-Suspicious Vehicle Stops

-Any vehicular response requiring emergency driving as defined by 7-402, or emergency response as defined by 7-403.

-Vehicle pursuits.

-Work-related transports not involving a ride-along or another City employee in their official capacity as a City employee.

-Any search, including but not limited to vehicles, persons, or buildings.

-All strip searches shall be recorded by at least one person present during the entirety of the strip search, including all pre-search instructions provided to the person being searched. The camera shall be positioned to assure that the person being searched is not captured on video.

-Any contact involving actual or anticipated criminal activity.

-Any contact involving actual or anticipated physical or verbal confrontations.

-Any contact that is or becomes adversarial. Anytime a situation changes to require activation, the officer shall immediately activate the BWC.

-When advising a person of their Miranda Rights.

-When ordered by a supervisor.

-Any tactical entry or forced entry into a building.

Officers may activate the BWC in the following situations:

-General citizen contacts where the officer feels that a recording is appropriate.

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-Anytime an officer feels it is appropriate to preserve audio/visual data when taking a statement from a victim, suspect or witness. Officers should make an effort to notify a victim or witness of the use of the BWC and should attempt to gain their consent to record the statement.

The BWC shall not be activated for the purpose of surveillance of legally protected activities. At First Amendment assemblies, the BWC shall not be activated for the purpose of identifying individuals and/or recording the presence of individuals engaged in lawful activity. During such assemblies, officers shall activate the BWC if required by policy.

DEACTIVATION

Once activated, the BWC shall be left in the record mode until the conclusion of the event. The conclusion of the event occurs when either the officer or citizen(s) has left the scene or a detention or transport has concluded.

Notwithstanding the above, he BWC may be deactivated during activities such as:

- While protecting accident scenes
- Monitoring assigned traffic posts
- Assisting motorists
- To protect the identity of an officer in an undercover capacity
- To protect the identity of a confidential reliable informant
- The incident or event is of such duration that is necessary to deactivate the BWC to conserve power and/or storage.
- Any situation in which the officer makes the decision to deactivate the BWC, there must be a reasonable belief that the stopping of the recording will not result in the loss of necessary evidence.
- Once an event has been stabilized, if it is necessary to discuss issues surrounding the incident/investigation with a supervisor or another officer in private, officers may turn off their BWC. This includes discussions between Field Training Officers with officers in training that are specific to training issues.
- If a request is made for a BWC to be turned off by a party being contacted, the officer should take into account the overall circumstances and what is most beneficial to all involved, before deciding to honor the request. For example, an officer may choose to turn off the BWC if its operation is inhibiting a victim or witness from giving a statement. It is up to the officer to make the

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determination as to what is best for the investigation or contact. If the BWC is deactivated, the officer shall document the reason in their report/supplement.

- When ordered by a supervisor. Both the officer and supervisor shall document the reason for the deactivation as described below.

An Officer shall only deactivate a BWC if they reasonably believe there is no longer audio/visual evidence to capture and that any of the caveats contained within the activation section will not be invoked.

When a BWC is deactivated officers shall describe the reason by narration prior to deactivation. If a report is prepared, the deactivation and the reason therefore shall also be documented in the officer's report or supplement. If a report was not prepared, the reason for the deactivation shall be documented via added remarks in CAD.

REPORT WRITING

To ensure the accuracy of reports, an officer should review audio and video data before making a report or statement. An officer shall document the following in his/her report:

- Whether audio or video evidence was gathered relating to the events described in the report.
- If the BWC was deactivated prior to the conclusion of the event, the fact that the BWC was deactivated and the basis for deactivation.
- Any malfunction of the BWC equipment in either the recording or the uploading of the event.

BWC DATA RETENTION

Data that is not classified under one of the specified classification options shall be retained for one year. All data that is classified under one of the specified classification options shall be retained at least six years but in no event, less than as otherwise provided under the Minneapolis Records Management Policy, whichever is longer.

BWC ACCESS/REQUESTS FOR DUPLICATION OF RECORDINGS

All BWC recordings are the property of the MPD and original BWC recordings shall remain in the sole custody of the MPD, unless necessary for the preparation of civil, criminal or administrative matters, used

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in court as evidence, provided to an expert for analysis, provided to another law enforcement agency in the scope of their investigation, if required to be provided to another by lawful order or as may otherwise be required by the Minnesota Government Data Practices Act or other applicable law.

Nothing herein shall preclude MPD personnel from reviewing or using recorded data for the purposes of investigation or prosecution of crimes or preparation of reports. Recorded data may only be used for training purposes with the approval of the Deputy Chief of Professional Standards.

An officer is entitled to access audio and video data derived from BWC equipment issued to them when reasonable and necessary for the officer to perform the essential functions of their job or to defend against allegations of substandard performance or misconduct. Requests by MPD personnel for duplication of BWC data for purposes of official MPD business shall be directed to the Crime Lab Video Forensics section via submission of the Crime Lab Video Request for Services form (MP-9069)

Employees are prohibited from using recording devices to duplicate BWC video and/or audio in any form, including cell phones or video cameras.

Requests by MPD personnel for duplication of BWC data for non-work related purposes (e.g. teaching, personal reasons) shall be submitted to the Records Information Unit for approval and processing and are subject to the Minnesota Government Data Practices Act and City of Minneapolis data charges.

CRITICAL INCIDENTS

Involved or Witness Officers shall maintain custody of their BWC equipment until Crime Lab personnel take custody of the equipment. In the event that any officers will be photographed as part of the Critical Incident protocol, Officers shall leave BWC equipment on their uniform until photographs are completed. Authorized Crime Lab personnel will be responsible for assuring that any BWC video is properly downloaded. Once the all downloads are completed, BWC equipment will be property inventoried. The assigned investigators will be responsible for authorizing release of the BWC equipment to the officer or other appropriate personnel. In the event that Crime Lab personnel are unable to take custody of the BWC, the on-scene investigators shall coordinate the custody of the BWC and downloading of the video.

If the investigation of the incident is transferred to another law enforcement agency, officers will maintain custody of their BWC until directed by the investigating agency. Downloading of the video and physical custody of the BWC will be coordinated with assigned MPD investigators and the outside investigating agency.

DEFINITIONS

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Activation: Any process which causes the BWC system to record audio and/or video data. Activation will be done manually.

Body Worn Camera (BWC): Audio-video recording equipment designed to be worn on a person.

BWC Equipment Check: An audio-video test to ensure that the BWC equipment is in working order. This check shall include a test of the video and microphone recording components and a date and time check.

BWC Operational Guide: Training manual/guide which outlines the protocol for operating the BWC system/equipment.

BWC Uploading: The act of transferring recorded data from the BWC to the storage server.

Categorize: To classify an event that has been recorded and for which a predetermined retention period has been set.

Critical Incident: An incident involving any of the following situations occurring in the line of duty:

- The use of Deadly Force by or against a Minneapolis Police Officer;
- Death or Great Bodily Harm to an officer;
- Death or Great Bodily Harm to a person who is in the custody or control of an officer;
- Any action by an officer that causes or is intended to cause Death or Great Bodily Harm.

Deadly Force: Minn. Stat. §609.066 states that: "Force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm other than a firearm loaded with less-lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force."

De-activation: Any process in which causes the BWC system to stop recording. De-activation will be done manually.

Designated Upload Site: Location where officers complete the task of uploading BWC recordings to a storage server through a PC or docking station.

Great Bodily Harm: Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm.

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Mobile Video Recorder (MVR): Audio/video recording equipment designed for fixed installation in patrol vehicles that includes at a minimum, a camera, microphone, recorder and LCD monitor• Digital: Digitized (text, graphics, audio, and video).

Pre-Event Recording: Video stored by the BWC system prior to manual activation. This is a configurable feature for the digital BWC system and is preset to record video prior to manual activation. The pre-event recording is included as part of the incident and is viewable during playback.

Record Mode: Any time BWC equipment is recording audio and video as indicated on the LCD monitor, wireless microphone and/or DVR.

Recorded Media: Audio-video signals recorded on any of several storage devices, including but not limited to, portable digital storage devices (e.g. CD, DVD, hard drive, flash drive).

Significant Incident: Includes, but are not limited to, any of the following situations occurring in the line of duty:

- Critical incident;
- Domestic abuse incident interview;
- Felony crime;
- Pursuit;
- Squad accident;
- Any incident in which the officer or sworn supervisor believes the recording to be of evidentiary and/or administrative value;
- The identity of someone in the video needs to be protected;
- Man-made or natural disaster or act of terrorism;
- Any event that an officer or supervisor believes should be brought to the immediate attention of police command staff;
- Any time that a citizen makes allegations of police misconduct or discrimination during the incident.

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