

MINNEOTA POLICE DEPARTMENT - **MANDATED**

NUMBER: 105-26 PAGES: 7

EFFECTIVE DATE: July 17th , 2019 *(This order supersedes all previous releases.)* Audited 06/16/2019

SUBJECT: BODY WORN CAMERA POLICY

1.0 **PURPOSE:**

The purpose of this policy is to provide the Minneota Police Department with guidelines for the use, management, access, retention, handling of evidence, degaussing, storage, and retrieval of audio-visual media recorded by Body Worn Camera (BCW) systems. This police will be posted on the City of Minneota web page.

2.0 **DEFINITIONS:**

- 2.1 **Recorded Media** – Means audio-video signals recorded on any of several storage devices, including, but not limited to hard drives, flash drives and CDs.
- 2.2 **Body Worn Camera (BWC)** – refers to any system that captures audio and video signals, that is capable of being worn on the body or used as a standalone recording device.
- 2.3 **Supervisor** – Licensed peace officers appointed with responsibility to serve as a supervisor.
- 2.4 **BWC Technician** – Personnel, licensed or civilian, that are trained in the operational use and repair of BWCs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.
- 2.5 **Degaussing** – Electronic cleansing by overwriting, erasing, and/or destruction of electronic storage media of analog and digital recording media that returns the media to its original state so it is ready for the imprinting of new images.
- 2.6 **Activate** – Any process which causes the BWC system to transmit or store video or audio data.
- 2.7 **Law Enforcement Operator (LEO)** – Primarily, a licensed peace officer, but on occasion may be a non-sworn representative of Minneota Police Department, who would be authorized to operate a BWC.
- 2.8 **MGDPA** – The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.

3.0 **POLICY**

The use of the BWC system provides documentation of law enforcement interaction with the public by providing evidence for the judicial system, internal review, or review by the public through formal request by agency specific method. The primary function of the BWC is for officer safety and not to initiate disciplinary action against the officer, but the data collected on the BWC may be used as evidence relating to a complaint of

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misconduct made against an LEO by any person present at the scene of the incident when such complaint could result in additional training, counseling or disciplinary action in accordance with agency policy. LEOs may only use portable recording systems issued and maintained by the Minneota Police Department. Furthermore, BWC data is presumptively private. BWC recordings are classified as private data about the data subjects unless there is a specific law that provides differently.

4.0 PROCEDURES:

4.1 Operational Objectives

Minneota Police Department has adopted the use of BWCs to accomplish the following objectives:

- 4.1.1 To enhance officer safety.
- 4.1.2 To accurately document statements and events during the course of an incident.
- 4.1.3 To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- 4.1.4 To provide an impartial measurement for self-critique and field evaluation during recruitment and new officer training.
- 4.1.5 To preserve visual and audio information for use in current and future investigations.
- 4.1.6 To enhance the public trust by preserving objective factual representations of officer-citizen interactions in the form of video and audio recordings made via an BWC, and
- 4.1.7 To identify training needs.

4.2 General Procedures

It is the responsibility of this agency to ensure that the BWC is properly used in accordance with the manufacturer's recommendations.

- 4.2.1 BWC equipment shall be manually activated when emergency equipment (lights, sirens) is operating or at the discretion of the LEO.

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- 4.2.2 Additional use, placement and operation of system components, off of the LEOs body; shall be based on officer safety requirements, discretion and manufacturers recommendations.
- 4.2.3 All staff shall successfully complete an approved course of instruction prior to being deployed with BWC systems in operational settings.
- 4.2.4 Minneota Police Department will establish and maintain a method for the public and data subjects to view recorded events in accordance with the MGDPA.
 - A written request will be required for the release of department records. The request will be handled within a reasonable period of time or within 10 days.
 - All request will be stored in the original case file along with the requested data being sought, to include determination and justification for the granting or denying of the request.
 - All data for granted request will be provided in the format in which it was originally captured or stored.
 - At the time of the request a review of the data will determine its current classification and if the requester is authorized to view the requested data.
 - If at the time of request it is determined that the data contains additional subjects then those subjects will either provide consent for their image to be released or they will be redacted from the data. Documentation and notification of consent will be stored in the original case file along with the requested data being sought.
 - Minneota Police Department does charge a fee to duplicate BWC.
- 4.2.5 Minneota Police Department will ensure officers, investigators, and prosecutors have access to the recorded events according to agency specific method for making the recordings accessible within the criminal justice system.
- 4.2.6 The BWC System shall be configured to pre-record for 30 seconds, prior to an event. This is known as buffering and is the maximum amount of time allowed by the BWC.
- 4.2.7 The BWC System may not be configured to record audio data occurring prior to activation.

4.3 Mandatory BWC Recording

To the extent practical, without compromising officer safety, the BWC system shall be activated and/or operated under the following circumstances and

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conditions; however officers are encouraged to use the BWC whenever they believe it prudent to document the incident regardless as to the nature of the incident.

- 4.3.1 Traffic stops (to include, but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops).
- 4.3.2 Priority responses (any response with lights and/or sirens)
- 4.3.3 Vehicle pursuits
- 4.3.4 Arrests
- 4.3.5 Vehicle searches
- 4.3.6 Physical or verbal confrontations, or use of force.
- 4.3.7 Prisoner transports
- 4.3.8 Crimes in progress
- 4.3.9 Any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.
- 4.3.10 Law enforcement operators are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.
- 4.3.11 And others at the discretion Minneota Police Department.

4.4 Operational Protocols

- 4.4.1 LEOs may review the recordings when preparing written reports or statements of events to help ensure accuracy and consistency of accounts.
- 4.4.2 Law enforcement operators shall not erase, alter, reuse, modify or tamper with BWC recordings. Only a supervisor, BWC technician, or agency approved designee may erase recordings and may only do so pursuant to the provisions of this policy.
- 4.4.3 To prevent damage, original recordings shall not be viewed in any equipment other than equipment issued or authorized by the Minneota Police Department.
- 4.4.4 BWC recordings shall be considered evidence, designated by the LEO for the appropriate retention and be submitted to Minneota Police Department approved designee to ensure that the recording is retained in accordance with Minneota Police Department's policy.
- 4.4.5 Any other activities when in the LEO's judgment it would be beneficial to do so.

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- 4.4.6** When the BWC is activated to document an event, it shall not be deactivated until the event has been concluded unless:
- The incident or event is of such duration that the BWC may be deactivated to conserve recording times.
 - The LEO does not reasonably believe that deactivation will result in the loss of critical documentary information.
 - The intention to stop the recording has been noted by the LEO either verbally in the recording prior to stopping the recording or in a written notation in the report or ICR blotter.
- 4.4.10** The recorded media shall be down loaded at the end of the event, LEOs shift or as soon as feasible depending upon circumstance accruing during the shift.

4.5 Officer Responsibilities

Inspection and general maintenance of BWC shall be the responsibility of the LEO assigned to use the BWC.

- 4.5.1** BWC equipment shall be operated in accordance with the manufacturer's recommended guidelines and agency training and policies.
- 4.5.2** Prior to beginning each shift, the assigned LEO shall perform an inspection to ensure that the BWC is performing in accordance with the manufacturer's recommendations.
- 4.5.3** Malfunctions, damage or theft of BWC equipment shall be reported to the Chief of Police. If the equipment is not functioning or available it shall be noted in the officer's log in CIS Mobile.
- 4.5.4** A Minneota Police Department ICR shall be generated documenting the suspected cause(s) of equipment failure or any recommendations for corrective actions.
- 4.5.5** Evidentiary Recordings
- Shall be stored in the digital case file on the Chief's Computer and retained as per the requirements specified in the MGDPA.
- 4.5.6** Non-Evidentiary Recordings
- Shall be upload to a file on the Chief's Computer and retained as per the requirements specified in the MGDPA.
- 4.5.7** The BWC shall be worn on uniform shirts in the middle of the chest, using the manufacturer's shirt clip. For all plain clothes uses the BCW shall be worn where practical.
- 4.5.8** Officers have no affirmative duty to inform people that a BWC is being

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operated or that the individuals are being recorded.

- 4.5.9** The unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. § 13.09.

4.6 Supervisor Responsibilities

- 4.6.1** The Chief of Police is responsible for the ordering, issuance, retrieval, storage, degaussing, and duplication of all recorded media.
- 4.6.2** The Chief of Police shall be responsible for collecting all completed media and for oversight and verification of wireless downloaded media.
- 4.6.3** Once the media is surrendered, the Chief of Police shall insure it is stored in a secure location with authorized controlled access.
- 4.6.4** The Chief of Police shall conduct periodic reviews of officer assigned media in order to periodically:
- Assess officer performance
 - Assure proper functioning of BWC equipment
 - Determine if BWC equipment is being operated properly
 - Identify recordings that may be appropriate for training

4.7 Media Access

- 4.7.1** All recording media, recorded images and audio recordings are the property of Minneota Police Department and subject to the provisions of the MGDPA. Dissemination outside of Minneota Police Department is strictly prohibited except to the extent permitted under the MGDPA, Peace Officer Disciplinary Procedures Act or other applicable law and without written authorization of Minneota Police Department's Chief of Police or his or her designee.
- 4.7.2** To prevent damage to, or alteration of the original recorded media; it shall not be copied by, viewed in, or otherwise inserted into any device not approved by the Chief of Police.
- 4.7.3** An officer who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment.

4.8 Handling of Evidence, Retention

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- 4.8.1** Maintenance and storage of BWC will be handled pursuant to Minneota Police Department policy 104-04.
 - Video evidence & non-evidence – 7 years (minimum)
 - Video Homicide – permanently kept
- 4.8.2** The BWC equipment will be used in the prosecution of those who violate the law, and to provide objective information concerning police/citizen contacts.
- 4.8.3** Recordings containing data which must be retained in anticipation of pending civil action or are collected as part of an active investigation for the commencement or defense of a pending civil action against the state shall continue to be in the control of Minneota Police Department, in conjunction with the Attorney General's Office.
- 4.8.4** When a recording contains evidence for a case being investigated by another agency, that agency shall make a written request for the data. The written request will be stored in the original case file along with the requested data being sought following the approval of the Police Chief.

4.9 Prohibited use of recorders

- 4.9.1** Intentional interference with the BWC/MVR system is strictly prohibited.
- 4.9.2** Members shall not intentionally record another department member without a court order unless lawfully authorized by the Chief of Police, or authorized designee, for the purpose of conducting a criminal investigation.
- 4.9.3** Officers are prohibited from using department-issued BWC/MVR equipment for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.
- 4.9.4** There shall be no audio or video recordings made in any court of law, unless authorized by a judge (Minn. Court Rule 4, General Rules of Practice).