

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

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TO: Distribution "A"		RETENTION DATE: Until Rescinded	
SUBJECT: <b>Manual Revision – <u>4-223 Body Worn Cameras</u></b>		APPROVED BY: <i>Chief Harteau</i>	

MP-8806

**Introduction:** This policy is being added with the goal of enhancing accountability and public trust, and will provide MPD personnel with procedures for the use and management of Body Worn Camera (BWC) equipment, and the access, retention, storage, and retrieval of recorded media captured by BWC equipment.

Effective with the issuance of this order Section 4-223 of the MPD Policy and Procedure Manual shall be added:

**4-223 BODY WORN CAMERAS (06/29/16)**

**(A-D)**

**I. PURPOSE**

With the goal of enhancing accountability and public trust this policy will provide MPD personnel with procedures for the use and management of Body Worn Camera (BWC) equipment, and the access, retention, storage, and retrieval of recorded media captured by BWC equipment. The purpose of BWC equipment use by Minneapolis Police Department officers is to accomplish the following:

- Enhance accountability and public trust by preserving evidence of officer interaction with citizens.
- 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.
- Serve 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.

**II. POLICY**

- A. 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.**

**B.** All employees who are issued a BWC must receive training in the use of the BWC by an authorized MPD employee, and only those employees that have been issued a BWC and have received the department authorized training may operate a BWC. All MPD employees who use the BWC systems shall receive training on these systems and this policy.

**C.** Employees failing to adhere to this policy or applicable laws regarding the use of BWCs and any associated data, including but not limited to restrictions regarding accessing such data, are subject to discipline, up to and including termination.

**D.** 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.

**E. Policy Review and Audit**

**1.** The BWC program and any associated policy shall be reviewed as necessary, with any appropriate changes occurring as a result of input received.

**2.** The BWC program shall be independently audited in accordance with existing law.

**III. DEFINITIONS**

**Activation:** Any process that causes the BWC system to record audio or video data. Activation will be done manually.

**Authorized Personnel:** Personnel designated by the Chief or his or her designee, to manage data recorded by the BWC. Such management includes duplication, redaction and lawful destruction of data as required by law and the City of Minneapolis Records Retention Policy. Designated personnel may include, but is not limited to: Records Management Specialists, Crime Lab Personnel and Business Technology Personnel.

**Body Worn Camera (BWC):** Portable 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 that outlines the protocol for operating the BWC system/equipment.

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

**Classify:** To categorize 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:** As defined by Minn. Stat. §609.066, which 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.”

**Deactivation:** Any process that causes the BWC system to stop recording. Deactivation 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.

**Mobile Video Recorder (MVR):** Audio and video recording equipment designed for fixed installation in patrol vehicles that includes at a minimum: a camera, microphone, recorder and LCD monitor.

**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 or video as indicated on the LCD monitor, wireless microphone 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 is 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 for which the officer or supervisor believes the recording to be of evidentiary 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.

#### **IV. PROCEDURES/ RULES/ REGULATIONS**

##### **A. Officer Responsibilities**

1. Officers assigned a BWC shall use it in accordance with MPD training, MPD policies, and the manufacturer's recommendations.
2. Officers shall wear the BWC in accordance with MPD training, using mounting equipment provided by the Department. Any alterations to the prescribed use of this equipment must be approved by the BWC coordinator or head of the Business Technology Unit (BTU).
3. Officers shall complete department authorized training in the use and operation of the BWCs prior to being assigned a BWC.
4. Officers shall wear the BWC during their shift at all times when they could reasonably anticipate that they may become involved in a situation for which activation is appropriate in accordance with this policy.
5. Officers shall conduct a BWC equipment check to ensure that equipment is working properly at the beginning of their shift and periodically throughout the shift.
6. Officers shall notify their immediate supervisor as soon as practical of any missing, damaged, or malfunctioning BWC equipment.
7. Officers experiencing a loss of battery power shall remove themselves from service and take immediate steps to charge their BWC. Officers shall notify their supervisor and Minneapolis Emergency Communications Center (MECC) upon removing themselves from service.
8. Officers shall notify their immediate supervisor of any recorded event believed to be of value for administrative review.
9. Officers shall upload all BWC digital data at the conclusion of their shift by placing their BWC in the assigned docking stations or utilizing other department approved uploading procedures.
  - a. Officers shall classify recorded events as appropriate, based on the options available under the classification and storage software.
  - b. 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.

c. The following classification options will be used:

<u>Category</u>	<u>Retention Period</u>
• <u>Training</u>	<u>90 Days</u>
• <u>Test/Start Checks</u>	<u>1 Year</u>
• <u>Petty Misdemeanor</u>	<u>1 Year</u>
• <u>Non-Evidentiary/General Recording</u>	<u>1 Year</u>
• <u>Any Arrest or Misdemeanor Citation</u>	<u>7 Years</u>
• <u>Use of Force</u>	<u>7 Years</u>
• <u>Significant Event</u>	<u>Until Manually Deleted/Indefinite Retention (Minimum of 7 years)</u>
• <u>Pending Review</u>	<u>Retained until otherwise classified under above categories</u>

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

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

12. When feasible, officers are encouraged to inform members of the public that they are being recorded.

a. If asked, officers should inform those inquiring that audio-video recording equipment is in use, unless doing so would be unsafe for officer or members of the public.

## **B. Restrictions**

1. 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.

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

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

4. Disabling BWC equipment, intentionally interfering with audio or video recording capabilities, and altering, duplicating, deleting or destroying BWC recordings are prohibited, except by Authorized Personnel in the course and scope of their lawful job duties and in accordance with record retention laws and policies and the provisions of this policy. Only the Chief or his or her designee can designate such Authorized Personnel.

## **C. Supervisor Responsibilities**

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

- includes periodic review of BWC recordings to ensure proper procedures are being followed.
2. Supervisors shall ensure that appropriate measures are taken when informed of any missing, damaged, or malfunctioning BWC equipment. This includes notification to BTU of the situation, replacing the camera in question, and making any necessary reports.
  3. Supervisors shall respond to the scene of an incident that requires immediate retrieval of recordings and ensure appropriate uploading procedures are followed.
    - a. If an incident occurs that involves substantial or great bodily harm or death, the supervisor shall ensure that officers upload the video as soon as practical following any necessary duties as part of the incident.
    - b. The same requirements shall apply to any incident the supervisor deems may be a “high profile” incident. (Critical Incidents shall be handled as set out below).
  4. When conducting force reviews, supervisors shall view any pertinent BWC video as part of the review.

#### **D. Off-Duty**

1. Officers assigned BWCs shall use them during 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.
2. Officers shall upload data from the BWC as soon as practical the next time he or she is on duty. However, any audio/visual data regarding a use of force by or against the officer or data that may be evidence in a criminal case shall be uploaded in the same manner as if the data had been collected while on duty.
3. Officers shall not use MPD issued BWCs while working for another law enforcement agency.

#### **E. Activation**

1. Activation Required
  - a. When safe to do so, officers shall manually activate the BWC during the following situations.
    - Traffic stops.
    - Suspicious Person stops.
    - Suspicious Vehicle stops.
    - Any vehicular response requiring emergency driving as defined by MPD P/P 7-402, or emergency response as defined by MPD P/P 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 searches of vehicles, persons, and buildings.
  - Any contact involving criminal activity.
  - Any contact involving physical or verbal confrontations.
  - Any contact that is, or becomes adversarial.
  - When advising a person of their Miranda rights.
  - When ordered to by a supervisor.
  - Prior to any use of force. If a BWC is not activated prior to a use of force, it shall be activated as soon as it is safe to do so.
  - Any tactical entry or forced entry into a building, unless a supervisor has determined in advance that the video or audio data could result in the disclosure of operational or tactical information that would compromise the effectiveness of future actions or jeopardize officer safety.
- b. Activation shall occur as soon as possible, but before any citizen contact.
- i. If a situation changes to require activation, the officer shall immediately activate the BWC as soon as it is safe to do so.
- c. 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.
- i. The camera shall be positioned to ensure that only audio data is collected and that the person being searched is not captured on video.
- d. If there is a failure to activate the BWC in any of the above situations, the Officer shall document the reasons for the failure in the Officer's report or supplement.
- i. If a report is not prepared, the reasons for the failure to activate shall be documented via added remarks in Computer Aided Dispatch (CAD).
2. Activation with Officer Discretion
- a. Officers may activate the BWC in the following situations:
- General citizen contacts where the officer feels that recording is appropriate.
  - 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.
3. The BWC shall not be activated solely for the purpose of surveillance of, or identification of individuals engaged in constitutionally protected activities conducted in a lawful manner.

## **F. Deactivation**

1. 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.
2. Notwithstanding the above, once an event has been stabilized and if the officer reasonably believes there is no longer necessary audio or visual evidence to capture, and that none of the circumstances requiring activation will likely occur, the 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 it is necessary to deactivate the BWC to conserve power or storage. 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. Factors to consider may include the type of call and the vulnerability of the victim, such as the victim of a sexual assault.
  - When ordered to by a supervisor. Both the officer and supervisor shall document the reason for the deactivation as described in the Report Writing section of this policy.
3. When a BWC is deactivated officers shall describe the reason by narration prior to deactivation.
  - a. If a report is prepared, the deactivation and the reason shall also be documented in the officer's report or supplement.
  - b. If a report is not prepared, the reason for the deactivation shall be documented via added remarks in Computer Aided Dispatch (CAD).

## **G. Report Writing**

1. To ensure the accuracy of reports, an officer should review audio and video data before making a report or statement.
2. An officer shall document the following in his or 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 reason for deactivation.



- Any malfunction of the BWC equipment in either the recording or the uploading of the event.

## **H. BWC Data Retention**

1. Data will be maintained in a storage system designated and approved by the Department. All data will be backed up by the storage system vendor.
2. Data will be retained in accordance with applicable law, this policy and the City of Minneapolis records management retention schedule.

## **I. Access to BWC Data and Requests for Duplication of Recordings**

1. 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 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.
  - a. All recordings shall be handled in accordance with the Department's records policy (P/P 4-501).
2. In no event shall any recording be used or shown for the purpose of ridiculing, embarrassing or intimidating any person.
3. Recorded data may only be replayed or displayed for training purposes with the approval of the Deputy Chief of Professional Standards. Nothing herein prohibits Leadership and Organizational Development Staff from having access to BWC recording for the purpose of planning training.
4. Data captured by the BWC may be accessed by an employee, provided the access is in the course and scope of the employee's lawful job duties, or used as evidence relating to:
  - Pending administrative, criminal, civil or traffic matters;
  - A complaint of misconduct made against an officer
  - In situations where evidence of officer misconduct is discovered during the course of authorized access (including force reviews);
  - A random or uniform review of BWC data with regard to equipment functionality, policy compliance; or
  - Any other purpose authorized under this policy and consistent with State and Federal law.
- a. Requests by MPD personnel for duplication of BWC data for purposes of official MPD business shall be directed to the Records Information Unit.
5. Employees are prohibited from using recording devices to duplicate BWC video or audio in any form, including cell phones or video cameras.

6. Public requests for BWC recordings shall be referred to the Records Information Unit and will be considered in accordance with the Minnesota Government Data Practices Act or other applicable law.
7. Officers shall not share BWC recordings with any member of the public or any MPD employee, unless it is required in the performance of their official duties and consistent with State and Federal law.
8. All accesses of the BWC data are documented automatically as part of the BWC equipment technology. Data relating to accesses will be retained in accordance with the retention schedule for the BWC data that was accessed.
9. Any necessary and lawful redaction or other editing of BWC recordings shall only be completed by Authorized Personnel in the course and scope of their lawful job duties and in accordance with record retention laws and policies and the provisions of this policy.
  - a. The original recording shall remain intact and stored within the department authorized storage system in accordance with record retention laws and policies.

## **J. Critical Incidents**

1. Involved or Witness Officers shall maintain custody of their BWC equipment until Crime Lab personnel take custody of the equipment.
  - a. In the event that any officers will be photographed as part of the Critical Incident protocol (see P/P 7-810), officers shall leave BWC equipment on their uniform until photographs are completed.
  - b. Authorized Crime Lab personnel will be responsible for ensuring any BWC recordings are properly uploaded.
  - c. Once all uploads are completed, the assigned investigators will be responsible for authorizing release of the BWC equipment to the officer or other appropriate personnel.
  - d. In the event that Crime Lab personnel are unable to take custody of the BWC, the on-scene investigators shall coordinate custody of the BWC and uploading of the video.
2. When investigation of the incident is transferred to another law enforcement agency, officers will provide their BWC to the investigating agency.
  - a. Uploading of the recordings and physical custody of the BWC will be coordinated with assigned MPD investigators and the outside investigating agency.
3. In any Critical Incident, video and audio data shall not be accessed unless approved by the assigned investigating agency.