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442.18 Body Worn Camera Policy

442.18 Body Worn Camera Policy

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- 2. ISSUANCE OF BODY-WORN CAMERAS (BWC)
- 3. BWC USE BY OFFICERS ISSUED A CAMERA
- 4. BWC USE BY OFFICERS NOT ISSUED A CAMERA
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20. RELEASE TO THE PUBLIC
21. DOCUMENTING EXISTENCE OF BWC DATA
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24. HANDLING OF EVIDENCE 25. POLICY COMPLIANCE 26. TRAINING 27. BWCs AND THE ICC SYSTEM 28. DISCOVERY OF POTENTIAL MISCONDUCT 29. ACCESS TO SENSITIVE PERSONAL RECORDINGS

1. Axon - The vendor selected by the department to provide BWCs and evidence.com, a cloud-based system for uploading, managing and storing BWC data.

animals) 403.00 Responding to Individuals in Crisis (/books/40300-respondingindividuals-crisis) 403.50 Transport Hold (/books/40350-transport-hold) 405.00 Special Weapons and Tactics (SWAT) Team (/books/40500-specialweapons-and-tactics-swat-team) 405.50 Crisis Negotiation Team (/books/40550-crisis-negotiationteam) 406.00 Barricaded Suspects (/books/40600-barricaded-suspects) 407.00 Minnesota State Patrol Helicopter (/books/40700-minnesotastate-patrol-helicopter) 408.00 Arrest Authority (/books/40800-arrest-authority) 408.01 Arrest Defined (/books/40801arrest-defined) 408.02 Probable Cause (/books/40802-probable-cause) 408.03 Statutory Authority (/books/40803-statutory-authority) 408.04 Exceptions to In-Presence Requirements (/books/40804exceptions-presence-requirements) 408.05 When Force May Be Used to Make an Arrest (/books/40805-whenforce-may-be-used-make-arrest) 408.06 Search Incident to Arrest (/books/40806-search-incident-arrest) 408.07 Recording of Arrest Information (/books/40807-recordingarrest-information) 409.00 Arrest Procedures (/books/40900-arrest-procedures) 409.01 Persons Disabled in Communication (/books/40901persons-disabled-communication) 409.02 Booking Procedures (/books/40902-booking-procedures) 409.03 Jail (/books/40903-jail) 409.04 Decontamination Sites and Procedures (/books/40904decontamination-sites-andprocedures) 409.05 Citizen's Arrest (By a Private Person) (/books/40905-

- 2. Activate To manually begin recording. Department BWCs do not automatically record. Officers must intentionally start the recording. If the camera is powered on prior to the activation of recording, it will create a 30-second buffer of video only.
- 3. BWC Quality Control Sergeant Sergeant assigned to the technology unit responsible for auditing BWC use to confirm compliance with the requirements of this policy.
- 4. Buffer A vendor-configured component of the BWC that records 30 second loops of video only, without audio. The buffer records only when the BWC is powered on. Audio joins the video buffer when an officer activates recording.
- 5. BWC Data Audio and/or video data as defined by Minnesota Statute 13.825 (https://www.revisor.mn.gov/statutes/?id=13.825) collected by a department BWC.
- 6. BWC Data Technicians Video management unit (VMU) and closed circuit television (CCTV) staff trained in the operational use of BWCs, data copying methods, data storage and retrieval methods and procedures, and who possess a working knowledge of video forensics, evidentiary procedures and the MGDPA.
- 7. BWC Modes of Operation [Off, On-Buffering, On-Recording]
 - 1. Off The switch of the BWC is in the off position, indicated by the switch positioned towards the outside of the camera with no orange mark visible. The camera does not buffer or record in the off mode.
 - 2. On Buffering. The switch is positioned towards the center of the camera. An orange mark is visible. The camera is powered on, in standby mode, and buffering in a 30-second loop. The buffer records video only, no audio. The camera must typically be worn in the on-buffering position.
 - 3. On Recording. The BWC has been activated by the officer to record. Audio joins the buffer at the point the BWC is activated by the officer. Recording continues until the officer stops recording by returning the BWC to onbuffering mode or by turning the BWC off.
- 8. Categories Labels given to BWC Data according to the predetermined data classifications of:
 - 1. Misc/Equip Maint/ Training
 - 2. Civil/ Morgan Plan
 - 3. General Citizen Contact
 - 4. Traffic Stop (Non-Arrest)
 - 5. Squad Accident / AWI
 - 6. Vehicle Pursuit
 - 7. Arrest / Evidence / RRA
 - 8. CSC
 - 9. Investigation of a Death/ Admin Hold
- 9. The length of data retention is set by state law and managed in evidence.com according to these categories.
- 10. Critical Incident Defined by General Order 246.09: Investigations Incidents Where Serious Injury or Death Result during Police Custody in Involvement (http://sppds08/sppdmanual/manual.html).
- 11. Deactivate to stop recording.
- 12. Discretionary recording when officers have the discretion to activate their BWC.
- 13. Evidence.com A cloud-based system provided by Axon to upload, manage and store BWC data. Accounts, permissions and roles within evidence.com are administered by the technology unit.

citizen%E2%80%99s-arrest-privateperson) 409.06 Transportation of Prisoners and Victims (/books/40906transportation-prisoners-and-victims) 409.07 Emergency Assistance at Ramsey County Jail (/books/40907emergency-assistance-ramsey-countyjail) 409.08 Physical Searches (/books/40908-physical-searches) 409.12 Legal Process (/books/40912legal-process) 410.00 Warrant Procedures (/books/41000-warrant-procedures) 416.00 Report Writing (/books/41600report-writing) 416.01 Coplogic (/books/41601coplogic) 418.00 Informants (/books/41800informants) 420.00 Line-up Procedures (/books/42000-line-procedures) 421.00 Intelligence Information (/books/42100-intelligenceinformation) 423.00 Preliminary Field Investigations (/books/42300preliminary-field-investigations) 424.00 Investigations, Follow-Up (/books/42400-investigations-follow) 424.01 Photograph, Audio and Video Recordings (/books/42401photograph-audio-and-videorecordings) 424.02 Photographs, Audio, and Video Recordings of Saint Paul Police Officers (/books/42402-photographsaudio-and-video-recordings-saint-paulpolice-officers)

431.02 Shoplifting Procedures (/books/43102-shopliftingprocedures) 433.00

Violations (/books/43300liquorillicitprostitutiongamblingviolations) 433.01 Liquor and Beer Laws

Summary (/books/43301-liquor-and-

Liquor/Illicit/Prostitution/Gambling

- ICC In Car Camera See <u>General Order 442.17</u> (http://sppds08/sppdmanual/manual.html).
- 15. Inventory control The process whereby a BWC is issued to a specific officer and a collection of spare cameras is maintained for officers not assigned a camera. The radio shop will manage the overall inventory of all department BWCs and docking stations. The designated district administrative sergeant will be responsible for BWCs assigned to their district or unit and must report district BWC inventories to the radio shop.
- MGDPA Minnesota Government Data Practices Act defined by <u>Minnesota State</u> <u>Statute chapter 13 (https://www.revisor.mn.gov/statutes/?id=13)</u>.
- 17. Metadata Information automatically added to BWC data noting the date, time, case number, and name of the officer to whom the camera is assigned. Metadata also includes categorization of the video, determined by the officer, which sets video retention. Officers may also add optional searchable notes as metadata.
- 18. Mandatory Recording When the BWC must be activated under this policy.
- 19. Mute Using the capability of the BWC to stop audio recording while continuing to record video.
- 20. Officer the term officer is used generically throughout this policy for ease of reference. For unity of purpose it is important to note that within this policy "officer" refers to all sworn members of the Saint Paul Police Department who are issued a camera or authorized to wear one and who have been properly trained in its use.
- 21. Prohibited recording When an officer is prohibited from recording under this policy. A recording may be prohibited in a situation (i.e.: interacting with an CSC victim) or in a physical location (i.e.: in a police facility). Prohibited recordings will be managed with the officer's supervisor and the video management unit.
- 22. Raid Gear Uniform See <u>General Order 202.04 Non-Uniformed Personnel-Classes</u> and Rules. (http://sppds08/sppdmanual/manual.html)
- 23. Technology Unit Commander Oversees the technical aspects of the BWC program. This includes but is not limited to oversight of evidence.com, the video management unit, technology updates related to BWCs as well as working with the training commander to ensure ongoing training of all officers assigned BWCs.
- 24. Temporary Tactical Uniform: See <u>General Order 202.04 Non-Uniformed Personnel-Classes and Rules. (http://sppds08/sppdmanual/manual.html)</u>
- 25. Training Unit Commander Works with the technology unit commander to ensure proper and ongoing training of officers related to BWCs.
- 26. Video Management Unit Led by a sergeant and assigned under the technology unit. Responsible for BWC data. Staffed with BWC data technicians who possess a working knowledge of video forensics and evidentiary procedures. This unit will have responsibility for all BWC data released.

2. OVERVIEW

This policy sets out guidelines governing the use of BWCs and administration of BWC Data. Compliance with this policy is mandatory. It is recognized that officers must also attend to other primary duties and the safety of all concerned, sometimes in circumstances that are tense, uncertain and rapidly evolving.

beer-laws-summary) 434.00 Narcotic Investigations (/books/43400-narcoticinvestigations) 435.00 Missing Persons (/books/43500-missing-persons) 435.10 O.O.C. Runaway/Missing Juveniles (/books/43510-oocrunawaymissing-juveniles) 435.20 Project Lifesaver (/books/43520-project-lifesaver) 435.30 Amber Alert (/books/43530amber-alert) 435.40 Everbridge Community Notification (/books/43540everbridge-community-notification) 437.00 Juvenile Procedures (/books/43700-juvenile-procedures) 437.01 Handling of Juveniles (/books/43701-handling-juveniles) 437.02 Use of Detention and Arrest (/books/43702-use-detention-andarrest) 437.03 DUI Juveniles (/books/43703dui-juveniles) 437.04 Photographs, Fingerprints, Interviews and Consent (/books/43704-photographsfingerprints-interviews-and-consent) 437.05 Confidentiality of Juvenile Records (/books/43705confidentiality-juvenile-records) 437.06 Definitions -- Juvenile Procedures (/books/43706definitions-juvenile-procedures) 437.07 Juvenile Traffic Offenders (/books/43707-juvenile-trafficoffenders) 437.08 Juvenile Investigations and Interviews (/books/43708-juvenileinvestigations-and-interviews) 437.09 General (/books/43709general) 437.10 Curfew Violations (/books/43710-curfew-violations) 437.12 Mandatory Reporting of Alcohol or Drug Use by Juveniles to School Officials (/books/43712mandatory-reporting-alcohol-or-drug-

use-juveniles-school-officials)

BWC Data may be used for law enforcement purposes, internal review and use pursuant to this policy, or public access pursuant to the MGDPA and Minnesota Statutes section 626.8473 (https://www.revisor.mn.gov/statutes/?id=626.8473).

3. OPERATIONAL OBJECTIVES.

Operational objectives include the list below.

- Use best practices in the rapidly evolving field of law enforcement.
- · Enhance officer and public safety.
- Enhance officers' ability to document and review statements and actions for internal reporting requirements and for courtroom preparation.
- · Promote transparency and accountability and build community trust.
- Collect evidence for use in criminal investigations and prosecutions.
- Deter criminal activity and uncooperative behavior.
- Aid in the documentation of statements and events during the course of an incident.
- Provide additional information for training.
- · Assist in reviewing complaints.

4. ISSUANCE OF BODY-WORN CAMERAS (BWCs)

As determined by the Chief of Police, BWCs will be issued to officers in the following units:

- Code Enforcement
- <!--->
 Gang Unit
- <!---><!--->
 Patrol (including downtown beat)
- · Safe Streets Task Force
- School Resource Officers (SROs)
- <!--->

Officers must wear their BWC as part of the uniform when working on-duty (regular or overtime) and wearing the uniform of the day, raid gear or temporary tactical gear as defined by General Order 202.04.
(http://sppds08/sppdmanual/manual.html)

- Officers must wear their BWC as part of the uniform when working off-duty in the uniform of the day, raid gear or temporary tactical gear as defined by <u>General</u> <u>Order 202.04 (http://sppds08/sppdmanual/manual.html)</u>.
- The supervisor of a plain clothes or undercover officer may dictate whether an onduty officer, who has been issued a BWC, will use a BWC when working in plain clothes. An officer in a plain clothes or undercover assignment must use an

437.13 Compulsory Education Laws and Truancy (/books/43713compulsory-education-laws-andtruancy) 437.15 School Resource Officer Program (/books/43715-schoolresource-officer-program) 437.16 School Bus Incidents (/books/43716-school-bus-incidents) 438.00 Civil Disputes (/books/43800civil-disputes) 438.01 Repossession of Property (/books/43801-repossessionproperty) 438.02 Claims against the City of Saint Paul (/books/43802-claimsagainst-city-saint-paul) 438.03 Denying Access to Officers (/books/43803-denying-accessofficers) 438.04 Divorce Evidence (/books/43804-divorce-evidence) 438.05 Eviction of Spouse (/books/43805-eviction-spouse) 438.06 Boundary Dispute (/books/43806-boundary-dispute) 438.09 Custody of Children (/books/43809-custody-children) 438.10 Damage by Children or Dogs (/books/43810-damage-children-ordogs) 438.11 Removing Personal Effects (/books/43811-removing-personaleffects) 438.12 Restraining Orders (/books/43812-restraining-orders) 438.13 Tenants (/books/43813tenants) 438.14 Innkeeper's Lien (/books/43814innkeeper%E2%80%99s-lien) 438.15 Domestic Abuse Protocol (/books/43815-domestic-abuseprotocol) 438.16 Labor Relations (/books/43816-labor-relations) 438.17 Drunkenness Incidents

(/books/43817-drunkenness-

incidents)

issued BWC when wearing the uniform of the day, raid gear or temporary tactical gear.

The Chief may require any and all officers to wear a BWC.

6. BWC USE BY OFFICERS NOT ISSUED A CAMERA.

Officers not issued a BWC, working off-duty in uniform, raid gear or temporary tactical gear as defined by <u>General Order 202.04</u> (http://sppds08/sppdmanual/manual.html) must obtain a BWC for use from the records unit.

Officers not issued a BWC working a specialty or overtime on-duty assignment in uniform should obtain a BWC from the records unit if possible and available. The Chief of Police or his or her designee may grant exemptions to this requirement.

Officers not issued a BWC who are working on-duty and want a camera temporarily as part of their on-duty assignment may also obtain a BWC from the records unit.

A BWC obtained from a spare bank must be assigned to an officer before use in the field. A camera must be unassigned when returning the camera to the bank. Review officers will assign and un-assign BWCs from the records unit.

An officer may not work off-duty without a BWC. If a BWC is not available in the records unit an officer needing a camera should contact their supervisor, or if their supervisor is unavailable, an on-duty supervisor.

7. INVENTORY CONTROL

The radio shop will manage the department inventory of BWC devices. The district administrative sergeant will work with the radio shop for accurate accounting of BWCs assigned to district or unit personnel.

Upon transfer to a new assignment an officer will retain their BWC, unless the position is not normally issued a BWC and the officer doesn't routinely work offduty. If an officer will no longer be issued a BWC due to a transfer, they must return their BWC to the radio shop.

8. BWC TESTING AND MECHANICAL FAILURES

Officers wearing a BWC must test the functioning of the BWC in accordance with their training at the beginning of each shift. Officers may not wear a BWC that fails the daily test. If an officer becomes aware of a BWC malfunction during their shift, they must exchange the BWC as soon a practically possible.

Regardless of whether a malfunctioning BWC is believed to contain evidence, all BWCs requiring repair must be treated as if they contain evidence. Malfunctioning BWCs will be turned into the property room. Officers with a malfunctioning BWC will:

438.18 Civil Disobedience (/books/43818-civil-disobedience) 438.18 Special Operations Unit (/books/43818-special-operations-438.19 Mobile Field Force (M.F.F.) (/books/43819-mobile-field-force-mff-438.19 Mobile Field Force (MFF) (/books/43819-mobile-field-force-mff) 439.01 Property and Evidence Manager System (/books/43901property-and-evidence-managersystem) 439.02 Submitting Property/Evidence (/books/43902-submittingpropertyevidence) 439.03 Evidence Manager (/books/43903-evidence-manager) 439.04 Receipt for Property and Evidence (/books/43904-receipt) 439.06 Money Storage (/books/43906-money-storage) 439.08 Forensic Services Unit (FSU) Property/Evidence Procedures (/books/43908-forensic-servicespropertyevidence-procedures) 439.09 Forensic Services Report Form - Requests for Exams (/books/43909forensic-services-report-formrequests-exams) 439.11 Investigative Unit Procedures --Property/Evidence (/books/43911investigative-unit-procedures) 439.12 Property Room Unit Procedures (/books/43912-propertyroom-unit-procedures) 439.13 Property and Evidence (/books/43913-property-and) 439.14 Polygraph Examination Criteria and Requests (/books/43914polygraph-examination-criteria-andrequests) 439.15 Criminal Background **Investigations Procedures** (/books/43915-criminal-backgroundinvestigations-procedures) 439.16 Investigations -- Constitutional Compliance (/books/43916-

- Obtain a new BWC from the spares available to their district or unit.
- Contact a patrol sergeant to have a new camera assigned to them.
- The malfunctioning camera will remain assigned to the officer until all data has been uploaded from the malfunctioning camera as part of the repair process.
- Create a separate case number for Service to Body Camera (SBC).
- Complete a report under the SBC case number describing:
 - o The malfunctioning BWC number.
 - o The new BWC number.
 - o A brief description of the malfunction.
 - Whether the malfunctioning BWC is known or believed to contain data.
- Turn the malfunctioning BWC into a property locker or the property room following the same procedures applicable to all other evidence as outlined in General Order 439.02 (http://sppds08/sppdmanual/manual.html).

9. BWC MOUNTS AND WEARING THE BWC

Officers shall wear the BWC using one of the mounts provided by the department. Two magnetic mounts and a Z-clip mount are issued with the BWC. One extra approved mount may be purchased annually with the uniform allowance.

Officers must wear the BWC above the midline of their torso, facing forward on the outer-most clothing or jacket. Officers shall not intentionally obscure the view of their BWC. Those officers issued the Axon Flex camera will mount the camera in accordance with their training with the camera facing forward to replicate the direction and view of the torso-mounted cameras.

BWCs must only be used for their intended operational objectives. During such use it may be advantageous to temporarily remove the camera, including when clearing a corner or attic or some other legitimate purpose. Any use of a BWC other than on an officer's uniform should be documented in a police report, or if a report is not otherwise necessary, in CAD comments.

10. MANDATORY, DISCRETIONARY, AND PROHIBITED RECORDING

 Mandatory Recording - Understanding that officers encounter tense, uncertain, and rapidly evolving situations, officers must activate their BWC at their earliest opportunity and before arriving on scene when recording is required by this policy.

Activating a BWC early, before an officer arrives on scene, allows an officer to safely turn on the BWC before reacting to or dealing with the circumstances of a particular call, incident, investigation or event. This also helps document important information

investigations-constitutionalcompliance) 439.17 Property Seized for Administrative Forfeiture (/books/43917-property-seizedadministrative-forfeiture) 439.18 Seizure Procedures for Felony DUI and Fleeing Police in a Motor Vehicle (/books/43918-seizureprocedures-felony-dui-and-fleeingpolice-motor) 439.19 Seizure Procedures - Narcotics (/books/43919-seizure-proceduresnarcotics) 440.00 Digital Evidence (/books/44000-digital-evidence) 441.00 Radio Procedures (/books/44100-radio-procedures) 441.01 Department Call Numbers (/books/44101-department-callnumbers) 441.02 Complaint Numbers and Calls for Service (/books/44102%C2%A0complaintnumbers-and-calls-service) 441.03 Ramsey County Emergency Communication Center - Data (/books/44103-ramsey-countyemergency-communication-centerdata) 441.04 Radio Procedures (/books/44104-radio-procedures) 441.05 Radio Call Priorities (/books/44105-radio-call-priorities) 441.06 Pac Set Radio Procedures (/books/44106-pac-set-radioprocedures) 441.07 Radio, Computer, MDC Communications (/books/44107radio-computer-mdc-communications) 442.01 Assignment of Department Vehicles (/books/44201-assignmentdepartment-vehicles) 442.02 Sign-Out and In of Vehicles (/books/44202-sign-out-and-vehicles) 442.04 Use of Department Vehicles (/books/44204-use) 442.06 Employee Use of Department Vehicles (/books/44206-employeeuse-department-vehicles)

from a view closer to that of the officer's perspective. Therefore, officers must activate their BWCs when preparing for or initiating any law enforcement action, when responding to any call or incident, and before arriving on scene in the following circumstances and conditions:

- When an officer is dispatched to or investigating any call or incident.
- When an officer is assisting another officer at a call or incident.
- When an officer is participating in any of the following police actions:
- Any vehicle stop, including traffic and investigative stops.
- Vehicle pursuits.
- · Investigative stops of individuals.
- · Initiating any arrest.
- All frisks and searches (e.g., suspect, vehicle, structure, physical area).
- All strip searches must be conducted in accordance with <u>General Order 409.08</u>
 (http://sppds08/SPPDManual/409_08.htm) and will only be audio recorded with the BWC.
- When encountering or responding to resistance or aggression. See <u>General Orders 246.00 (http://sppds08/sppdmanual/manual.html)</u>, <u>246.01 (http://sppds08/sppdmanual/manual.html)</u>.
- When any situation becomes adversarial, including situations which are either verbally or physically adversarial
- In-custody transports.
- Suspect interviews in the field, including in-custody interviews occurring in the field when the Miranda warning is required.
- · When directed by a supervisor.
- While operating a vehicle under <u>General Order 444.01</u> (http://sppds08/sppdmanual/manual.html) Emergency Runs.

If an officer is at a location or in any situation where an event occurs or develops where this policy mandates recording and their BWC is not already activated, the officer must activate the BWC as soon as activation is possible and safe.

Discretionary Recording - This policy does not describe every possible situation
where the BWC may be activated. Beyond the mandated scenarios described
above, an officer may activate the BWC when they believe it should be activated
based on their training, experience, and judgement, except when recording is

442.07 Repairs and Maintenance (/books/44207-repairs-andmaintenance) 442.08 Tows or Repair on Street (/books/44208-tows-or-repair-street) 442.09 Shotguns Assigned to Police Vehicles (/books/44209-shotgunsassigned-police-vehicles) 442.10 Inventory and Inspection (/books/44210-inventory-andinspection) 442.12 Fueling Procedures -- Police Vehicles (/books/44212-fuelingprocedures-police-vehicles) 442.13 Idling of Department Vehicles (/books/44213-idling-departmentvehicles) 442.14 Vehicle Keys (/books/44214vehicle-keys) 442.15 Patrol Vehicles - Exterior Markings and Equipment (/books/44215-patrol-vehiclesexterior-markings-and-equipment) 442.16 Take Home Vehicle Policy (/books/44216-take-home-vehiclepolicy) 442.17 In-Car Camera Policy (/books/44217-car-camera-policy) 442.18 Body Worn Camera Policy (/books/44218-body-worn-camerapilot-policy) 443.00 Vehicle Pursuit - General (/books/44300-vehicle-pursuitgeneral) 443.05 Vehicle Pursuit - Initiation (/books/44305-vehicle-pursuitinitiation) 443.10 Roles and Responsibilities Primary Squad (/books/44310-rolesand-responsibilities-primary-squad) 443.15 Command and Control (/books/44315-command-and-control) 443.20 Pursuit Updates (/books/44320-pursuit-updates) 443.25 Police Vehicles (/books/44325-police-vehicles) 443.30 Communications (/books/44330-communications)

443.35 Inter-Jurisdictional Pursuits

(/books/44335-inter-jurisdictional-

prohibited under this policy. If an officer is involved in a situation and they are unsure if the activation is mandatory, discretionary or prohibited, they should activate the BWC.

- 2. Prohibited Recording
- Interactions solely among other department employees when not actively investigating or assigned to a call or incident.
- Non-work related activity.
- Within areas of a police facility restricted to personnel-only access, including roll
 call rooms, locker rooms, break rooms, and report rooms. BWCs should only
 record citizen contacts inside a police facility if relevant to an investigation or to
 comply with the Mandatory Recording situations described in this policy.
- When interacting with undercover officers or confidential informants, or persons
 providing information based on confidentiality, unless necessary for a law
 enforcement investigation or to comply with the Mandatory Recording situations
 described in this policy.
- 2. During a work break.
- 3. At any location where a reasonable expectation of privacy exists, such as a bathroom or locker room, unless necessary for a law enforcement investigation or to comply with the Mandatory Recording situations described in this policy.
- 4. In patient care areas of a hospital, sexual assault treatment center, or other healthcare facility unless necessary for a law enforcement investigation or to comply with the Mandatory Recording situations described in this policy.
 - This policy also recognizes that officers encounter tense, uncertain, and
 rapidly evolving situations regardless of location. Given this fact, officers may
 unintentionally create a prohibited recording or may intentionally record to
 comply with the Mandatory Recording requirements of this policy.

Officers who are aware they may have created a prohibited recording must report that recording to their supervisor. The video management unit will manage data recorded in violation of policy.

Victim or witness interviews must also be recorded, unless the officer becomes aware of the following:

- Officers may be aware that the identity of a victim or witness is protected by the MGDPA (https://www.revisor.mn.gov/statutes/?id=13). Individuals whose identities are protected under the MGDPA (https://www.revisor.mn.gov/statutes/?id=13) include victims or alleged victims of criminal sexual conduct or sex trafficking. An officer may deactivate recording to protect the identity of someone afforded protection under the MGDPA (https://www.revisor.mn.gov/statutes/?id=13), provided the request does not conflict with any other Mandatory Recording requirement under this policy.
- An officer may deactivate recording upon the request of a victim or witness, provided the request does not conflict with any other Mandatory Recording requirement under this policy.

pursuits) 443.40 Out of City Pursuits (/books/44340-out-city-pursuits) 443.45 Vehicle Intervention Tactics (/books/44345-vehicle-interventiontactics) 443.50 Use of Firearm in Pursuit (/books/44350-use-firearm-pursuit) 443.55 When to Terminate a Pursuit (/books/44355-when-terminatepursuit) 443.60 Conclusion of Pursuits (/books/44360-conclusion-pursuits) 444.01 Emergency Runs -- Scope (/books/44401-emergency-runs-444.02 Lighting Exemption for Police Vehicles (/books/44402-lightingexemption-police-vehicles) 445.00 Towing and Storage Procedures/Authority (/books/44500towing-and-storageprocedures authority) 445.04 Definitions of Terms-Towing and Storage (/books/44504definitions-terms-towing-and-storage) 445.05 Towing Specifications (/books/44505-towing-specifications) 445.051 Towing Authority (/books/445051-towing-authority) 445.06 Cancellations (/books/44506cancellations) 445.07 Towed Vehicle Reports (/books/44507-towed-vehicle-reports) 445.08 Procedures -- Towing and Storage (/books/44508-procedurestowing-and-storage) 445.09 Tow and Storage Charges (/books/44509-tow-and-storagecharges) 445.10 Towing and Storage Procedures -- Hold Vehicles and Evidence Processing (/books/44510towing-and-storage-procedures-holdvehicles-and-evidence-processing) 445.12 Vehicle Release Notification

(/books/44512-vehicle-release-

445.13 Saint Paul Police Department

Impound Lot (/books/44513-saint-

notification)

Officers should consider the totality of the circumstances before deactivating recording and determine the best approach for a particular circumstance. For example, deactivation may be the best option if the situation is not adversarial and a BWC inhibits a victim or witness from providing information. Nothing precludes an officer who has deactivated recording under these circumstances from reactivating it should mandatory recording circumstances emerge or the officer choose to reactivate recording in their discretion.

Deactivation under these circumstances must be documented in an incident report, or if no incident report is otherwise required it must be documented in CAD comments.

This policy recognizes officers cannot or will not always know of or have time or opportunity to account for protections afforded under the MGDPA (https://www.revisor.mn.gov/statutes/?id=13). An officer may also intentionally record an individual with MGDPA (https://www.revisor.mn.gov/statutes/?id=13) protections, or any witness or victim who has requested recording be deactivated, in order to comply with other sections of this policy. Compliance with the other Mandatory Recording requirements under this policy is the higher priority.

The video management unit will provide the final review to ensure appropriate management of data and compliance with the <u>MGDPA</u> (https://www.revisor.mn.gov/statutes/?id=13).

11. FAILURE TO RECORD

Officer and public safety are the department's highest priorities. If an officer is unable to activate his or her BWC before one of the mandatory recording scenarios described in this policy, the BWC must be activated as soon as it is possible and safe.

Facts surrounding a failure to record must be reported to a supervisor and documented in an incident report, or if no incident report is required it must be documented in CAD comments.

If an officer is involved in a critical incident and they were unable or failed to record a mandatory record incident, any stated reason for the failure to record will be documented by an investigator assigned to the incident.

Officers involved in a critical incident who are not required to write a report are encouraged to provide any information as to their inability or failure to activate the BWC to the investigator under procedures outline in General Order 246.09 Critical Incident Policy (http://sppds08/sppdmanual/manual.html), Responsibilities of Involved Employees.

445.14 City of Saint Paul Legislative Code and Minnesota Statutes (/books/44514-city-saint-paullegislative-code-and-minnesotastatutes) 445.15 Release of Police Held Vehicles to Repossessor (/books/44515-release-police-heldvehicles-repossessor) 445.151 Inventory (/books/445151inventory) 445.16 Storage of Seized Vehicles and Vehicles Held for Forfeiture (/books/44516-storage-seizedvehicles-and-vehicles-held-forfeiture) 445.17 License Plate Recognition (LPR) System (/books/44517-licenseplate-recognition-lpr-system) 446.00 Fire Procedures (/books/44600-fire-procedures) 447.00 Execution of Search Warrant (/books/44700-execution-searchwarrant) 451.00 Diplomatic and Consular Officials (/books/45100-diplomaticand-consular-officials) 453.00 Court Notification Procedures (/books/45300-court-notificationprocedures) 454.00 Defense of Police Officers in Court Actions (/books/45400defense-police-officers-courtactions%C2%A0) 454.01 Protective Orders Filed Against Officers (/books/45401-protectiveorders-filed-against-officers) 455.00 Building Security (/books/45500-building-security) 455.01 Keys (/books/45501-keys) 455.02 Property Room (/books/45502-property-room) 457.01 Department Property (/books/45701-department-property) 457.04 Property Inventories (/books/45704-property-inventories) 459.00 Canine Acquisition/Disposition (/books/45900-canineacquisitiondisposition)

paul-police-department-impound-lot)

12. WHEN RECORDING MAY BE STOPPED OR MUTED

Once activated, the BWC must remain on-recording until the incident has concluded; meaning it is reasonable to believe that all arrests are made, arrestees transported, and victim, witness and suspect interviews are completed, unless or until:

- 1. The incident or event is of such duration that recording is stopped to conserve power or storage capacity and the officer is not directly involved in activity relating to the incident or event.
- 2. In a Critical Incident, the supervisor has ordered deactivation see section 16 "Critical Incidents".
- 3. Deactivation is reasonable and necessary to protect the safety of the officers or others.
- 4. Deactivation is approved or ordered by a supervisor.
- 5. Recording may be temporarily muted to exchange information with other law enforcement officers or those working in official capacities as part of a law enforcement investigation (e.g., medics, firefighters, medical examiners, dispatchers, civilian employees of government agencies, etc.). For example, discussion of case tactics or strategies or official information exchange or discussion of training issues between field training officers and officers in training. An officer must note their intent to mute recording verbally into the BWC before turning on the mute option. The verbal note should include the officer's intent to mute and the reason. Muting for authorized reasons must also be documented in a police report if a police report is otherwise written. If no police report is otherwise required, the decision to mute must be documented in CAD comments.
- 6. BWCs may be deactivated during non-enforcement activities, such as waiting for a tow truck or protecting accident scenes.
- 7. BWCs may be deactivated after the officer has arrived on scene, assessed and stabilized the call, 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.

Nothing in this section is intended to discourage an officer from recording during non-enforcement situations when in his or her judgement the recording may be beneficial.

An officer's decision to stop or pause recording in a situation that would otherwise be recorded under this policy must be documented verbally on the camera before stopping or pausing. That decision must also be noted in an

462.00 Canine Unit (K-9 Team) (/books/46200-canine-unit-k-9-team) 463.00 Bomb Squad (/books/46300bomb-squad) 463.01 Bomb Squad - Functions (/books/46301-bomb-squadfunctions) 463.04 Authority of Bomb Squad (/books/46304-authority-bomb-squad) 463.05 Investigative Responsibilities of the Bomb Squad (/books/46305investigative-responsibilities-bombsquad) 463.08 Authorization for Dispatching **Bomb Squad Technicians** (/books/46308-authorizationdispatching-bomb-squad-technicians) 463.09 Bomb Threats (/books/46309bomb-threats) 463.10 Responding to a Bomb Threat (/books/46310-responding-bombthreat) 463.12 Bomb Searches (/books/46312-bomb-searches) 463.13 Bombs and Suspicious Objects (/books/46313-bombs-andsuspicious-objects) 463.14 Evacuation and Ventilation (/books/46314-evacuation-andventilation) 463.16 Security at Explosion Scenes (/books/46316-security-explosionscenes) 463.17 Blasting Caps, Improvised Explosive Devices, Common **Explosives and Incendiary Devices** (/books/46317-blasting-capsimprovised-explosive-devicescommon-explosives-and-incendiarydevices) 463.18 Explosives Storage Bunker (/books/46318-explosives-storagebunker) 463.20 Hazardous Material (/books/46320-hazardous-material) 464.00 Unintentional Discharge of

Department Issued/Authorized

discharge-department-

issuedauthorized-firearm)

Firearm (/books/46400-unintentional-

incident report, or if no incident report is otherwise required the decision must be documented in CAD comments. The report or CAD comments must include factors considered in the decision to shut the camera off.

13. WEARING A BWC INSIDE A COURT BUILDING

Ramsey County District Court order dated February 17, 2017, states that "Only law enforcement personal may have body cameras in a courtroom. These Electronic Devices may be powered on but must be kept and operated only in silent mode. Any authorized use of these Electronic Devices must not distract the proceedings pursuant to the Rules of Decorum. In addition, voice communication and the recording of pictures, video or audio are prohibited in courtrooms unless specifically approved by the presiding judge or judicial officer pursuant to Rule 4.02 of the Rules of General Practice."

This court order does not preclude an officer responding to an incident in the courthouse from recording as required by this policy.

If attending court outside of Ramsey County, officers must follow the guidelines of that courthouse. If no guidelines are available, officers must follow the guidelines of this policy.

14. DUTY TO NOTIFY PERSONS OF BWC RECORDING

If an individual asks an officer if a BWC is on or recording, research and experience shows the best practice is telling individuals they are being recorded. While not required by law (MN Statute 626A.02, subdivision 2 (https://www.revisor.mn.gov/statutes/?id=626a.02)), the Saint Paul Police Department strongly encourages officers to tell people that they are being recorded, unless the officer believes that disclosure would result in a safety issue for the officer or public.

468.00 Procedure for School Alarms (/books/46800-procedure-schoolalarms) 469.00 False Alarm Procedures (/books/46900-false-alarmprocedures) 469.01 Weather Related False Alarms (/books/46901-weather-related-falsealarms) 469.02 Alarm Calls to Government Buildings (/books/46902-alarm-callsgovernment-buildings) 470.00 V.I.P. Security Plan (/books/47000-vip-security-plan) 475.00 Covert Operation Plans (/books/47500-covert-operationplans) 477.00 Petty Cash, Imprest, Buy/Investigative Funds (/books/47700-petty-cash-imprestbuyinvestigative-funds) 478.00 Motor Vehicle Lockouts (/books/47800-motor-vehiclelockouts) 479.00 Electronic Control Device Usage Procedures (/books/47900electronic-control-device-usageprocedures) 479.50 SPIT Prevention Device (/books/47950-spit-prevention-device)

480.00 Closed Circuit TV (CCTV) Unit (/books/48000-closed-circuit-tv-cctvunit) 481.00 SIU Portable Video Equipment (/books/48100-siu-portable-video-

600.00 Traffic and Crash Investigations (/books/60000-traffic-and-crash-investigations)

equipment)

15. DATA CATEGORIZATION AND DEPARTMENT-ISSUED PHONES OR IPADS

8. All data collected by BWCs is subject to statutory requirements and may also be considered evidence. The timely and accurate categorization of data is vitally important to determine the retention of data. Officers must categorize BWC data files at the time of recording or once uploaded, and should contact a supervisor with any questions about appropriate categorization. Officers should assign as many of the following categories as are applicable to each file:

CLASSIFICATION	RETENTION PERIOD
Misc./Equip Maint/Training	1 year
Civil/Morgan Plan	1 year
General Citizen Contact	1 year
Traffic Stop (Non-Arrest)	1.5 years
Squad Accident/AWI	3 years
Vehicle Pursuit	6 years
Arrest/Evidence/RRA	7 years
CSC	9 years
Investigation of a Death/Admin Hold	No Expiration

Utilizing audit and search features of evidence.com, supervisors are responsible for ensuring data uploaded by subordinates has been categorized.

1. Officers issued a department phone may categorize data in the field using the Axon View application. Officers not issued a department phone will be issued an iPod for the purpose of categorizing data and in-field viewing using Axon View.

Department issued iPods and phones are subject to <u>General Order 236.02 Internet Access and E-mail (http://sppds08/sppdmanual/manual.html)</u>.

Officers may use the camera and video features of their department issued iPods for scene photography and other legitimate law enforcement purposes as trained. Refer to General Order 440.00 Digital Evidence (http://sppds08/sppdmanual/manual.html) and 424.01 Photograph, Audio and Video Recordings (http://sppds08/sppdmanual/manual.html).

No personal phones, iPods, iPads or any other devices may be used for classification of data.

16. UPLOADING DATA

All BWC data is subject to statutory requirements for retention and dissemination. Data may also be evidentiary. Therefore officers must upload all data collected by the end of shift according to department BWC training, Axon instructions, and the protocols of the officer's unit and/or assignment. Officers are responsible for ensuring the CN and all categorizations are noted on uploaded videos.

Officers who capture BWC data while off-duty or working off-duty must upload the data to evidence.com as trained, if the data is evidentiary or if a police report and/ or citation is required or will be written for the incident for which the data was created. Uploading must be complete before clearing from the incident or by the end of the off-duty shift.

If data recorded off-duty or while working off-duty is not evidentiary (for example a general citizen contact such as providing directions or a police service which is advised) and no police report and/ or citation will be written - that data may be uploaded no later than the end of the officer's next regular duty shift.

17. CRITICAL OR SIGNIFICANT INCIDENTS

 In the event of a Critical Incident all officers who are involved or who witness the incident shall turn off their BWCs only when instructed by a supervisor or investigator assigned to the incident. It is the responsibility of the scene supervisor to ensure compliance with this section.

Note that General Order 246.09 Critical Incidents

(http://sppds08/sppdmanual/manual.html) requires officers involved in a critical incident to give the first responding non-involved field supervisor a brief, factual, public safety statement of the event for the purpose of focusing the investigative efforts, which will include, but is not necessarily limited to assisting in identifying and locating suspects, victims, witnesses, evidence, and any other information deemed pertinent to public or officer safety. This public safety statement is an exchange of law enforcement information not subject to audio recording. If a BWC is activated during this statement, it may be muted and the intent and reasons for muting must be noted on the BWC and in a subsequent report.

- 1. All involved or responding officers must maintain custody of their BWC equipment until the forensic services unit or crime lab of the investigating agency takes custody of the equipment. In the event that an officer will be photographed as part of the investigation, the officer should leave their uniform intact, including BWC equipment, until photographs are completed. The department will ensure that all video is properly uploaded. Once all uploads are complete, BWC equipment will be returned to the officer, or their supervisor, unless the device itself is evidence beyond any data created by the BWC. If the BWC device is evidence it must be handled in the same manner as any other evidence.
- In the event an outside agency crime lab or the forensic services unit does not respond to a Critical Incident, the supervisor must ensure BWC Data is properly uploaded before returning the BWC to the officer.

18. PRIVATE, CONFIDENTIAL AND PUBLIC BWC DATA

All BWC data is the property of the department and is government data subject to the laws of the State of Minnesota.

Minnesota Statutes section 13.825, subdivision 2

(https://www.revisor.mn.gov/statutes/?id=13.825), defines BWC data as presumptively private data about the data subjects unless there is a specific law that makes the BWC data either confidential or public.

BWC data subjects are defined as:

- Any person or entity whose image or voice is documented in the data.
- The officer who collected the data.

• Any other officer whose voice or image is documented in the data, regardless of whether that officer is or can be identified by the recording.

Confidential BWC data are data collected or created as part of an active criminal investigation. Data are classified as confidential while the investigation is active. Inactive investigative data are classified according to rest of section <u>13.825</u> (https://www.revisor.mn.gov/statutes/?id=13.825).

Public BWC Data is defined as:

- Data documenting the discharge of a firearm by an officer in the course of duty, other than for training or the dispatching of an animal that is sick, injured, or dangerous.
- Data that documents the use of force by an officer resulting in substantial bodily harm.
- Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any data subject (other than an officer) who has not consented to the public release must be redacted. In addition, data on undercover officers must be redacted.
- Data that documents the final disposition of a disciplinary action against a public employee.
- If another provision of the MGDPA (https://www.revisor.mn.gov/statutes/?id=13) classifies data as private or otherwise not public, that data retains the other MGDPA (https://www.revisor.mn.gov/statutes/?id=13) classification.

19. ACCESS BY DATA SUBJECTS

- As required by statute, an individual must be allowed to access BWC data about him/ herself as a subject of the recording, however access is not required under the following conditions:
 - The data are collected or created as part of an active investigation.
 - The data are restricted by law from disclosure to the person seeking access, such as portions that would reveal identities protected by <u>Minnesota Statutes</u> <u>section 13.82, subdivision 17 (https://www.revisor.mn.gov/statutes/?</u>

- Unless the data are part of an active investigation, an individual data subject must be provided with a copy of the recording redacted as follows:
 - Data on other individuals in the recording who do not consent to the release must be redacted.
 - o Data that would identify undercover officers must be redacted.

20. WATCHING, REVIEWING, AND COPYING BWC DATA

Officers are authorized to access public and non-public (confidential or private) BWC data for legitimate law enforcement purposes, including but not limited to report writing. Nothing in this policy restricts an officer from reviewing data for law enforcement purposes, including for preparing to give a statement, preparing for court testimony or to respond to allegations of substandard performance or misconduct, excepting department policy under General Order 235.20 Administrative Lockdown.

(http://sppds08/sppdmanual/manual.html)

Officers only have permissions in evidence.com to view data created by the BWC assigned to them. Officers needing to review data created by another officer's BWC may ask the officer who created the data to view it. If the officer who created the data is unavailable, the officer requiring access should ask their supervisor.

- Officer(s) involved in a Critical Incident may view and/or listen to BWC Data of the incident only after:
 - The officer has met with the Saint Paul Police Federation representative or legal counsel, if those entities are requested by the officer, and
 - The officer and legal counsel have met with the investigative entity or designee regarding the process for a Critical Incident set out in <u>General Order</u> <u>246.09 (http://sppds08/sppdmanual/manual.html)</u>.

- An investigator assigned to a related criminal investigation may review BWC Data relevant to their investigation.
- BWC data relating to a criminal matter will be disclosed to the appropriate prosecuting authority.
- BWC data may be further disclosed to court personnel as authorized by applicable rules of procedure and <u>Minnesota Statutes sections 13.03</u>, <u>subdivision 6 (https://www.revisor.mn.gov/statutes/?id=13.03)</u>, and <u>13.825</u>, <u>subdivision 2 (d) (https://www.revisor.mn.gov/statutes/?id=13.825)</u>.
- Officers who become aware of BWC data that may contain training value should notify their supervisor. BWC data may be shown to staff for public safety training purposes.
- The training unit commander will communicate with any employees depicted in
 the BWC data prior to use of the data for training. The training unit commander
 will evaluate and consider any objections of officers depicted in the data prior to
 use of the data. In all cases the training value of the data will be the focal point of
 any consideration for use as part of a training session.
- Field Training Officers (FTOs) may utilize their own or their recruit's BWC data with their recruit for the purpose of providing coaching and feedback on the recruit's performance.
- An officer's immediate supervisor may utilize an officer's BWC data for the purpose of coaching and providing feedback to the officer with the purpose of improving performance.
- Nothing in this policy limits or prohibits the use of BWC Data by the department to evaluate alleged misconduct or as a basis for discipline.
- Copies of BWC data must be requested through video management unit. Officers shall not copy or record BWC data with smart phones, video cameras, or by any other means. The BWC may not be inserted into any device not approved by the department. BWC data may only be viewed on devices approved by the department.
- Supervisors may not access or review BWC data for the purpose of surveillance
 of any employee. However, BWC data may be accessed by internal affairs or a
 supervisor investigating a complaint of misconduct. A complaint of misconduct
 may include any allegation of improper procedure or misconduct, from an
 informal allegation or question to a formalized internal affairs complaint. Informal
 allegations or questions should be handled within the unit consistent with the
 chain of command. Formal complaints should follow the procedure outlined in
 General Order 230.00 (http://sppds08/sppdmanual/manual.html).
- Officers shall not share BWC recordings with any member of the public or any other employee, unless it is required for the official performance of their duties and consistent with all applicable laws.

1. Showing BWC Data to Witnesses

Officers may show portions of BWC Data to witnesses as necessary for purposes of investigation as allowed by <u>Minnesota Statutes section 13.82</u>, <u>subdivision 15</u> (https://www.revisor.mn.gov/statutes/?id=13.82).

Response to Resistance or Aggression Review
 BWC data may be accessed as part of the department's review of officer
 response to resistance or aggression. Supervisors and department personnel
 who have the responsibility to review a response to resistance or aggression may
 access BWC data pertaining to the incident.

2. Pursuit Review

BWC data showing a vehicle pursuit may be accessed by supervisors and department personnel who have the responsibility to review the incident. BWC data showing an accident may be disclosed to the Accident Review Board pursuant to <u>General Order 640.07 (http://sppds08/sppdmanual/manual.html)</u>.

21. PROTECTION OF BWC DATA / AUDIT

BWC data will be protected in compliance with state law and this policy. To that end, the department will:

- 3. Restrict access to BWC data according to an authorized employee's access credentials, and
- 4. Maintain an automated audit/electronic audit trail of the date, time, and person with regard to each access to data. All employees who access BWC Data via evidence.com will be required to document the reason for their access by adding a note describing their reason for accessing the data in the "notes" section of whatever data file is accessed.

22. RELEASE TO THE PUBLIC

- Only video management unit (VMU) staff is authorized to make copies of BWC data. The original data will be retained according to the retention schedule in this policy.
- 6. Copies made by VMU staff must be for lawful purposes including, but not limited to, data requests under the MGDPA (https://www.revisor.mn.gov/statutes/? id=13), department purposes, criminal litigation and civil litigation.

- 7. Whenever a request for BWC data is made to the department by the media and the department intends to release the video, an email will be sent to all officers assigned to the associated CN in the CAD system, with a 24 hour advance notice of its release for all routine requests if possible.
- The department may charge its actual cost for providing requested copies of data pursuant to <u>Minnesota Statute sections 13.03</u> (https://www.revisor.mn.gov/statutes/?id=13.03) and 13.04 (https://www.revisor.mn.gov/statutes/?id=13.04).

23. DOCUMENTING EXISTENCE OF BWC DATA

- 1. All BWC data must be associated with a department case number to ensure accurate tracking of BWC data. Therefore, whether on- or off-duty, an officer who has created BWC data must ensure they have logged into the Computer Aided Dispatch system (CAD) with their employee (long) number. Then:
 - If a case number has not already been created to associate with the BWC data, the officer must call for a case number.
 - If a case number has already been created to associate with the BWC data, the officer must ensure they are assigned to that case number in the CAD.
- 2. If working off-duty or overtime or on-duty special detail (i.e. Xcel or CHS stadium, parade, etc.) and the situation for which the BWC data was created does not require an independent case number, an officer may use the case number created when calling in for the off-duty job or created for the detail.
- 3. An officer not assigned to an incident in the CAD system, who arrives on scene and as per policy has activated their BWC, must notify dispatch of their arrival so they will be assigned to the incident in the CAD system.
- 4. Each officer completing a report and/or citation must document the existence of their BWC data in their report and/ or citation.
- Documentation in a police narrative report and/or citation should follow ICC protocol (442.17 In-Car Camera Policy
 (http://sppds08/sppdmanual/manual.html)
 . The header of the narrative report should read either "NO ICC or ICC, squad 123 (Officer Name)." A BWC data line must follow the ICC line and read either: "No BWC or BWC, Officer Name." If an officer is not otherwise completing a report and/or citation for an incident, the existence of their BWC data will be documented in evidence.com.

24. REPORT WRITING - DOCUMENTING BWC DATA CONTENT IN A NON-CRITICAL INCIDENT

- 1. To ensure the accuracy of reports and statements, officers may review audio and video data before making a report or statement.
- 2. Officers completing an original report for an incident in which the BWC data was created are responsible to ensure the content of BWC data is referenced in narrative reports. This must be accomplished by either referring to BWC content in the original narrative report or verifying other officers have done so in their reports. Therefore, an original narrative report must describe, beyond the header of "NO BWC or BWC Officer Name":
 - If BWC data was created relevant to their report.
 - Reasons for failing to record when called for by this policy.
 - Whether officers have reviewed their BWC data before completing a report.
 - o Whether other officers may have BWC data.
 - Whether the officer completing a report has reviewed the data of other BWCs.
 - o The extent of review of any BWC data undertaken by an officer.

Some examples:

<>I have not reviewed footage before completing this report."<!--->< >I have conducted a full and detailed review of all data which could function as a transcript."<!--->< >I have conducted a cursory review of video at fast speed without audio review."<!--->< >The footage begins at 21:00:10 hours and ends at 21:20:00 hours. I have conducted a full and detailed review of portions (2105:05 to 2109:30)." MGDPA, General Retention Schedule for Minnesota Cities, Ramsey County Evidence Retention Policy, court order, or applicable statute of limitations or preservation period.

All BWC Data not covered under the aforementioned provisions will be retained for a minimum period of 1 year. There are no exceptions for erroneously recorded or non-evidentiary data.

CLASSIFICATION	RETENTION PERIOD
Misc./Equip Maint/Training	1 year
Civil/Morgan Plan	1 year
General Citizen Contact	1 year
Traffic Stop (Non-Arrest)	1.5 years
Squad Accident/AWI	3 years
Vehicle Pursuit	6 years
Arrest/Evidence/RRA	7 years
CSC	9 years

Upon written request by a BWC Data subject, the department will retain a recording pertaining to that subject for an additional time period requested by the subject of up to 180 days. The department will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received.

No Expiration

26. HANDLING OF EVIDENCE

Investigation of a Death/Admin Hold

- 1. BWC Data will be handled as evidence and retained according to the applicable retention period of the categories assigned to the data.
- 2. When BWC Data contains evidence for a case, whether civil or criminal, that is being investigated by another agency, that agency will be provided a duplicate copy of the recording for a specified law enforcement purpose with the written approval of the Chief of Police or his or her designee.

27. POLICY COMPLIANCE AND AUDIT

Minnesota Statutes section 626.8473 (https://www.revisor.mn.gov/statutes/? id=626.8473) requires that police departments put in place "procedures to ensure compliance and address violations of the policy, which must include, at a minimum, supervisory or internal audits and reviews, and the employee discipline standards for unauthorized access to data contained in section 13.09 (https://www.revisor.mn.gov/statutes/?id=13.09)."

To meet these statutory requirements, supervisors must monitor compliance with this policy.

The department has also created the position of BWC Quality Control Sergeant. The BWC Quality Control Sergeant will be assigned to the technology unit to verify compliance with this policy. The BWC Quality Control Sergeant will confirm that officers are using BWC cameras according to department policy and training, but will not review general officer conduct or performance.

28. TRAINING

Employees must complete the BWC training program before being issued or using a BWC. Ongoing training will be provided as determined by the training unit commander.

29. BWCs AND THE ICC SYSTEM

BWCs do not replace the ICC system. This policy does not replace the ICC policy. ICC continues to be governed by <u>General Order 442.17 In-Car Camera Policy (http://sppds08/sppdmanual/manual.html)</u>. However, officers wearing a BWC are exempt from the wireless microphone portion of the ICC policy.

The department encourages officers who witness or become aware of violations of department policy to immediately report said violation to their supervisor. If an employee reviewing BWC Data observes a violation of department policy they should report the violation to their supervisor. A supervisor notified of such a violation shall take the appropriate actions based on the circumstances of the violation. Officers reviewing the footage of other officers shall focus their review on the reasons for which they are doing so.

31. ACCESS TO SENSITIVE PERSONAL RECORDINGS

In the event of unintentional or inadvertent BWC recording, such as a personal conversation that captures sensitive personal information for which access should be restricted, an officer may submit a written request to his/ her commanding officer to restrict access to that portion of BWC Data. The commanding officer will evaluate the request and forward the necessary information to the technology unit commander so that the data may be restricted. The restriction will remain until the data is deleted according to retention schedule of the data's category.

Revised October 2, 2017

< 442.17 In-Car Camera Policy (/books/44217-car-camerapolicy) up (/books/40000-line-procedures)

443.00 Vehicle Pursuit -General > (/books/44300vehicle-pursuit-general)



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