



Minneapolis Police Department Policy and Procedure Manual

Number:
4-200

Volume Four – Administrative Procedures

Equipment and Supplies

4-223 **Body Worn Cameras and In-Car Cameras**

(xx/xx/24)

Revisions to prior policies: (05/25/04) (04/11/07) (07/11/07) (09/19/08) (08/28/09) (08/01/11) (05/24/13) (06/09/15) (06/29/16) (07/29/17) (04/04/18) (06/30/20) (02/04/21) (06/24/22)

I. Purpose

A. With the goal of enhancing accountability and public trust this policy will provide MPD members with procedures for the use and management of Body Worn Camera (BWC) and In-Car Camera (collectively referred to in this policy as “recording”) equipment, and the access, retention, storage, and retrieval of recorded media captured by the equipment. The purpose of BWC and in-car camera equipment use by Minneapolis Police Department members is to accomplish the following:

- Enhance accountability and public trust by preserving a record of member interaction with community members.
- Capture digital audio-video evidence for criminal, civil and traffic-related court cases.
- Assist members by providing a record independent from their perceptions and recollections.
- Serve as a training tool for member safety and best practices in the MPD.
- Assist in the assessment of contacts between members and the public by reviewing procedures and interpersonal actions.

B. This policy is required by MN Statute section 626.8473 Subd. 3.

II. Policy

A. Restrictions

1. Intimidation

- a. The recording systems shall not be used for the purpose of intimidating or discouraging a person from observing police activity, making appropriate inquiries to the police or making a complaint.
- b. In no event shall any recording be used or shown for the purpose of ridiculing, embarrassing or intimidating any person.

2. Interactions only with members

Members shall not use the recording systems to record interactions solely with or among other members, except in circumstances for which activation is appropriate in accordance with this policy.

3. Personal use

Members shall not use the recording systems for personal use or for any other reason inconsistent with this policy.

4. MPD equipment

Members shall only use BWC and in-car camera equipment authorized by the Department.

5. Disabling or interfering with recording systems

Disabling recording equipment, intentionally interfering with audio or video recording capabilities, and altering, duplicating, deleting or destroying BWC or in-car camera recordings or metadata 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 the Chief's designee can designate such authorized personnel.

6. Surveillance of protected activities

Recording systems shall not be activated solely for the purpose of surveillance of, or identification of people engaged in constitutionally protected activities conducted in a lawful manner.

7. Use of BWCs by non-members

- a. Members assigned a BWC shall not permit any non-member to use or wear the BWC.
- b. Members shall not permit any non-member to use the in-car camera.

B. Informing the Public of Recording

Members shall inform members of the public that they are being recorded by a BWC, and by in-car camera equipment (when applicable), unless doing so would be unsafe, impractical, or not feasible. This requirement applies regardless of whether the person asked.

C. Training

1. Members shall complete Department authorized training in the use and operation of the BWCs prior to being assigned a BWC, and the in-car camera systems prior to having access to the systems.

2. Only those members that have been issued a BWC and have received the Department authorized training may operate a BWC.
3. All MPD members who use the BWC and in-car camera data storage and access systems shall receive training on these systems and this policy, prior to being granted access.

D. Using the Recording Systems

Members assigned a BWC or a vehicle equipped with an in-car camera system shall use them in accordance with MPD training, MPD policies, and the manufacturer's recommendations.

E. BWC and In-Car Camera Program Responsibility

1. Business Technology Unit responsibility

The Business Technology Unit (BTU) is responsible for the technological aspects of the BWC and in-car camera programs, including device support and maintenance.

2. Quality Assurance responsibility for BWCs

The BWC Quality Assurance Unit is responsible for oversight of the BWC program, and ensuring policy adherence.

3. Policy review and audit

- a. The BWC program, in-car camera program and any associated policy, shall be reviewed as necessary, with any appropriate changes occurring as a result of input received.
- b. The BWC program and the in-car camera program shall be independently audited in accordance with existing law.

4. Radio Shop responsibility

The Radio Shop is responsible for replacing any defective in-car camera media.

F. Responsibility for In-Car Camera Equipment

In-car camera equipment installed in any MPD vehicle is the responsibility of the members assigned to that vehicle.

G. Duty to Report

All members are required to report misconduct or other violations in accordance with the Professional Code of Conduct chapter (P&P 5-100) and the Internal Affairs Process chapter (P&P 2-100).

H. Assignment of BWCS

BWCs shall be assigned to all sworn members. BWCs may be assigned to other non-sworn members at the discretion of the Chief of Police or the Chief's designee.

I. Failure to Adhere to Policy

Any member failing to adhere to this policy or applicable laws regarding the use of recording systems and any associated data, including but not limited to restrictions regarding accessing such data, may subject the member to discipline, up to and including termination, or training or other remedial action.

III. Procedures/Regulations

A. Logging in and out of the In-Car Camera system

Members shall log in to the in-car camera system when beginning to use the vehicle, shall remain logged in for the shift, and shall log out at the end of the shift.

B. Charging BWCs

Members assigned a BWC shall keep it charged between shifts so that it is fully charged at the start of a shift.

C. Wearing and Powering on BWCs

Members shall wear the BWC in accordance with MPD training, using mounting equipment provided by the Department.

1. BWC placement

- a. Members shall wear the BWC facing forward on the outermost garment, in the chest area.
- b. The Commander of the Administrative Services Division (who oversees BTU) may authorize additional mounting equipment options, and may authorize alternate camera mounts with different placements for specialized units or functions.

2. When members are required to wear a BWC

a. When in uniform

Members assigned a BWC and working in an MPD uniform (Class A, B, C or D in accordance with P&P 3-100) shall wear the BWC.

- i. When working in uniform, investigators assigned a BWC shall wear it in accordance with the rest of this policy.

- ii. The Lieutenant or Commander who oversees units focused on outreach and engagement (such as the SROs or CET) may determine whether the members in their units should wear the BWC when working in such assignments in soft uniforms (anything other than the full uniform that bears police markings).

- b. When not in uniform

Investigators working in clothes other than the uniform who are assigned a BWC are not required to wear it during their on-duty shift except when participating in a planned operation or tactic in which an arrest or other law enforcement action is likely (this includes execution of search warrants of structures, vehicles, etc.), or when ordered to by a supervisor, subject to the undercover operation exception below.

- c. During undercover operations

Members do not need to wear the BWC during undercover operations (P&P 10-202) in which displaying or indicating their status as a law enforcement member would compromise the operation.

- d. When working under the command of another agency

While performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official, MPD members assigned a BWC shall wear and operate the BWC in compliance with this policy (4-223). This does not apply to members working off-duty as part-time peace officers for another law enforcement agency.

Example: Members serving on a task force are required to wear and use the BWC in accordance with this policy.

- e. When working off-duty employment

- i. Use BWC during uniformed off-duty work

Members assigned a BWC shall use it during off-duty work when it is within the city of Minneapolis and involves wearing the MPD uniform, and the members shall comply with the BWC policy.

- ii. BWC use only for approved jobs

BWC use is allowed only for approved off-duty jobs within the City of Minneapolis, and only while wearing the MPD uniform.

iii. Uploading BWC data from off-duty shifts

- aa. Any audio/visual data regarding a use of force by or against a member, 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.
- ab. All other BWC data recorded during off-duty work shall be uploaded by the start of the next on-duty shift, as long as the shift begins within 48 hours of the off-duty shift's conclusion. If the next on-duty shift will begin more than 48 hours later the BWC data shall be uploaded at the conclusion of the off-duty shift.

iv. No MPD BWC use for other agencies

Members shall not use MPD-issued BWCs while working for another law enforcement agency.

3. Powering on the BWC

Members who are required to wear a BWC shall keep it powered on at all times during their shift when they can reasonably anticipate that they may become involved in a situation for which activation is appropriate in accordance with this policy, including when working at a precinct front desk, subject to the following exceptions.

a. Entering centers for domestic or sexual violence victim advocacy

Members may power off their BWCs when entering a center for domestic or sexual violence victim advocacy or assistance, as long as there will not be any interaction with a suspect. Members shall activate as needed in accordance with the section on Activation (including for interviews).

b. Legal proceedings

Members shall power off the BWC for any court-room proceeding, deposition or similar legal proceeding. Members shall power on and activate the BWC if a situation requiring activation occurs.

D. Startup Checks

1. BWC Startup Checks

Members shall conduct a BWC Startup Check to ensure that equipment is working properly at the beginning of their shift.

- a. A Startup check consists of activating the BWC to ensure it properly enters Record Mode, and does not display any error indicators. Any problems shall be handled in accordance with the section on Problems with the Equipment.

b. Once the BWC is activated for the startup check, the member shall state the following information prior to deactivating:

- Name.
- Badge number (or Employee ID for civilians).
- Call sign.
- Confirmation that the BWC is the member's assigned BWC.
- Results of the required visual and physical inspection of the BWC.
- Confirmation that the BWC is fully charged and operational.

2. In-car camera Startup Checks

Members shall conduct an in-car camera Startup Check prior to putting any vehicle into service that is equipped with an in-car camera system.

a. A Startup check consists of:

- Activating the in-car camera to ensure it properly enters Record Mode, and to ensure it does not display any error indicators or have any issues with audio or video.
- A date and time test of the in-car monitor.
- A visual and physical inspection of the vehicle, including walking around the full exterior. Any damage shall be noted via narration during the inspection.

b. Any problems shall be handled in accordance with the section on Problems with the Equipment.

c. Once the in-car camera is activated for the startup check, the member shall state the following information prior to deactivating:

- Name.
- Badge number (or Employee ID for civilians).
- Call sign.
- Vehicle P #.
- Results of the inspection of the in-car camera system.
- Results of the vehicle inspection.

d. The in-car camera Startup Check may be conducted at the same time as the BWC Startup Check.

E. Activation

1. Situations requiring BWC activation

Members shall activate their BWC for the following circumstances:

- a. When dispatched or assigned to a call.
Activation shall occur at least two city blocks away from the call for service location. If dispatched or assigned to a call less than two city blocks away, activation shall occur immediately. This includes assisting squads.
- b. When self-initiating a call.
Activation shall occur as soon as possible and prior to contacting a person or exiting a squad.
- c. Prior to taking any law enforcement action.
- d. Prior to making an investigatory contact.
- e. When any situation becomes adversarial.
- f. Prior to assisting a community member during in-person encounters, other than when providing basic verbal assistance (such as giving directions).
- g. When any person is transported in the member's squad, other than employees of another law enforcement agency, ride-alongs, or other City employees in their official capacity as City employees.
Activation shall occur prior to placing the person in the squad, whenever feasible, regardless of whether transportation will begin immediately following activation.
- h. When directed to activate by a supervisor.

Examples of situations that require activation include, but are not limited to:

- Any in-person contact (including at a precinct front desk, during a business check or while on a foot beat) involving allegations of criminal activity, suspicious or unlawful behavior, a complaint of misconduct or another situation requiring activation. This includes any contact with a reporting person, victim, suspect or witness, subject to the exceptions listed in the deactivation section.
- Traffic stops.
- Suspicious Person stops.
- Suspicious Vehicle stops.
- Any vehicular response requiring emergency driving or emergency response as defined by MPD P&P 7-401.
- Vehicle pursuits.
- Any search, including but not limited to searches of vehicles, people, and buildings. This excludes searches that could reasonably involve the presence of explosives, and also excludes protective sweeps for explosive devices.
- Any contact involving physical or verbal confrontations.
- When advising a person of their Miranda rights, if not inside of a secure law enforcement facility where the MPD is already creating a recording through another approved method.

- Any use of force situation. If 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.
- Supervisors responding to a scene, including when responding to conduct a force review.

2. Situations requiring in-car camera activation of exterior-facing cameras

Members shall ensure their exterior-facing in-car cameras (front and back) are activated for the following circumstances:

- a. For every stop or contact where a motor vehicle is involved.
- b. Any vehicular response requiring emergency driving or emergency response as defined by MPD P&P 7-401.

3. Situations requiring in-car camera activation of all cameras

Members shall ensure their exterior-facing (front and back) and interior-facing in-car cameras are activated for the following circumstances:

- a. For interviews conducted inside the vehicle.
- b. When any person is transported in the member's squad, other than employees of another law enforcement agency, ride-alongs, or other City employees in their official capacity as City employees.
Activation shall occur prior to placing the person in the squad, whenever feasible, regardless of whether transportation will begin immediately following activation.

4. Changing situations

If a situation changes to require activation, the member shall immediately activate as soon as it is safe to do so.

5. Failure to activate

- a. If there is a failure to activate the BWC or in-car camera or a late activation in any of the above situations, the member shall document the reasons for the failure in the Police Report.
- b. If a report will not be prepared, the reasons for the failure to activate shall be documented via added remarks in CAD, as soon as practical.
 - i. If the member does not have access to a squad computer to enter added remarks directly, the member shall contact MECC via radio or phone as soon as practical and request the reasons be added to the remarks in CAD.

- ii. Documentation shall begin with the following prefix: “BWC:” or “In-car:” or “BWC/In-car:”, followed by the reason for the documentation.

6. Interviews with crime victims

- a. If members will be conducting an initial interview with a crime victim, members should advise the victim the camera will be on and activated during the interview.
 - i. If the victim raises concerns with the BWC being activated, the member can turn the camera away to record audio but avoid capturing the video.
 - ii. If the victim refuses to be interviewed with the camera on, the member may deactivate or power off the camera to facilitate the interview (in accordance with the section on temporarily deactivating at the request of the party being contacted).
- b. Member conducting interviews with victims of domestic or sexual violence should be especially sensitive to the victims’ requests (in accordance with the section on temporarily deactivating at the request of a party being contacted).
- c. If the member had their BWC powered off inside a center for domestic or sexual violence victim advocacy or assistance, they should power it on and activate it for the interview.

7. Special situations for BWCs

- a. Strip searches
 - i. All strip searches shall be audio recorded by the BWC of at least one MPD member present during the entirety of the strip search, including all pre-search instructions provided to the person being searched.
 - ii. The camera shall be positioned to ensure that only audio data is collected and that the person being searched is not captured on video.

b. Community meetings

Unless activation is otherwise required by this policy, members do not need to activate BWC for community meetings or other community engagement activities.

c. Phone calls

Nothing in the activation policy precludes a member from using the BWC to record phone calls the member deems to be of evidentiary value or that otherwise require activation.

- d. MPD interview rooms
 - i. Members are not required to activate the BWCs or may deactivate them while conducting interviews with a suspect or arrestee, inside of an MPD facility, when MPD is already creating an audio and video recording through another approved method (such as Milestone).
 - ii. At least one member shall have a BWC activated while moving the person, if they are a suspect or arrestee.

F. Deactivation

1. Record until event conclusion

Once activated, the BWC and in-car camera shall be left in the record mode until the conclusion of the event. The conclusion of the event occurs when either the member or community members have left the scene or a detention or transport has concluded.

- a. If a transport involves a transfer of custody, the event is not concluded until the transfer is complete.
- b. When transporting arrestees to the Hennepin County Jail the transfer may be considered complete at the intake door from the secure garage (threshold of the person sally port) unless custody has been transferred prior to that point, and the BWC and in-car camera may be deactivated in line with Jail policy. It should remain activated within the garage while MPD retains custody and should be reactivated at the intake door if custody is returned to the MPD (it should be activated while arrestees are in the squad, being unloaded or loaded, and while being escorted to or from the person sally port).
- c. The BWC and in-car camera may be deactivated if an event has otherwise concluded but the member remains at the scene to prepare reports or for another similar reason not involving a situation requiring activation.

2. Critical Incidents- deactivation

All involved, witness and escort members in a Critical Incident shall leave their BWCs and in-car cameras activated while on scene, until directed by the Incident Commander.

- a. Deactivation of BWCs must be after the Public Safety Statement is completed, at a minimum.
- b. When the BWCs or in-car cameras have been deactivated in accordance with this section on Critical Incidents, members may reactivate if they feel it is appropriate, and shall reactivate if otherwise required by policy.

3. Temporary deactivation

When an event is still in progress, the BWC and in-car camera may be *temporarily* deactivated in the following situations, but shall be reactivated as soon as the temporary situation has concluded or if ordered to by a supervisor, and the required documentation shall be made according to the Early deactivation documentation section:

- a. To protect the identity of a member in an undercover capacity or during a plainclothes operation.
- b. To protect the identity of a confidential informant.
- c. If a request is made for a BWC or in-car camera to be turned off by a party being contacted, the member should take into account the overall circumstances and what is most beneficial to all involved, before deciding to honor the request. For example, a member 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.
- d. When directed to by a supervisor for tactical decisions, investigative strategy, or administrative tasks, if the member is not in contact with a suspect, arrestee, victim or witness.
- e. When otherwise ordered to by a supervisor.
- f. During Operation 100s, only if the Incident Commander deems it necessary.
- g. By a supervisor when the supervisor needs to perform administrative functions. Supervisors deactivating to perform administrative functions shall describe the reason by narration prior to each deactivation, or following reactivation.

4. Early deactivation documentation

a. Narration

If a BWC or in-car camera is deactivated prior to the conclusion of an event, members shall describe the reason by narration prior to deactivation.

b. Documentation

If a Police Report will be prepared, members who were not able to narrate the reasons for early deactivation on BWC (due to power failure, etc.) shall document the reasons in their Police Report or statement in the Police Report.

- i. If a Police Report will not be prepared, the reasons for the early deactivation in the above situation shall be documented via added remarks in CAD, as soon as practical.

- ii. If the member does not have access to a squad computer to enter added remarks directly, the member shall contact MECC via radio or phone as soon as practical and request the reasons be added to the remarks in CAD.
 - iii. Documentation shall begin with the following prefix: “BWC:” or “In-car:” or “BWC/In-car:”, followed by the reasons for the documentation.
5. Accidental deactivation
 - a. If an accidental deactivation is discovered, the BWC or in-car camera shall be immediately reactivated.
 - b. The member shall narrate the cause of the accidental deactivation as soon as practical, and shall follow the other reporting requirements for early deactivations.

6. Stabilized events

Notwithstanding the above, once an event has been stabilized and if the member reasonably believes there is no longer audio or visual evidence to capture, and that none of the circumstances requiring activation will likely occur, the BWC and in-car camera may be deactivated during activities such as:

- Monitoring assigned traffic posts.
- The incident or event is of such duration that it is necessary to deactivate the BWC to conserve power or storage.
- When guarding suspects/arrestees at a hospital, if no other activation conditions are met (it must be activated if there will be contact with the suspect, if the suspect becomes combative, etc.).

G. Uploading and Classification

1. Classify events prior to upload

Classification should be done shortly after the recorded incident is concluded, and must be done prior to upload at the end of the member’s shift.

2. Upload BWC data at conclusion of shift

Members 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.

3. Classify events as appropriate

Members shall classify recorded events as appropriate, based on the options available under the classification and storage software. Multiple categories are permitted, and all applicable categories shall be used.

- a. Each category used for classification is assigned a status of Public (subject to review) or Nonpublic (subject to review), based on statutory requirements. Requests for data (including by data subjects) will be handled according to the section in this policy related to Data Requests (in accordance with the Government Data Practices Act and any other applicable laws).
 - b. Data may be held longer than the stated retention period in accordance with litigation or other legal requirements, and the section on data retention [IV-K-2].
4. Classification options

The following classification options will be used:

Category	Retention Period	Public Status (subject to review)
• Training	1 Year	Nonpublic
• Rcert/Academy	1 Year	Nonpublic
• Accidental Activation	1 Year	Nonpublic
• Startup Check	1 Year	Nonpublic
• Non-Evidence/General Recording	1 Year	Nonpublic
• Protected	1 Year	Nonpublic
• Citizen Complaint	3 Years	Nonpublic
• Evidence	7 Years	Nonpublic
• Use of Force- Other	7 Years	Nonpublic
• Use of Force- Substantial Bodily Harm	Indefinitely	Public
• Police Discharge of a Firearm	Indefinitely	Public
• Significant Event	*Min 7 Yrs	Nonpublic
• Non-BWC Data	1 Year	Nonpublic
• Records Unit/RA Only	1 Year	Public
• Citizen Evidence	1 Year	Nonpublic

* Until Manually Deleted/Indefinite Retention (Minimum of 7 years)

- a. Category guidelines

Training: This category should be used for events that were recorded during BWC or in-car camera training sessions, or other training sessions where BWC or in-car camera data may have been recorded.

Rcert Academy: This category is for the sole purpose of Academy staff and Recruits/Cadets for scenario video feedback. Video with this category shall not be accessed by anyone other than Academy staff, Recruits, Cadets and other personnel with written permission from the Academy Lieutenant or Training Division Commander.

Accidental Activation: This category should be used for inadvertent activations by the member or inadvertent activations by an automatic signal.

Startup Check: This category should be used for the required equipment checks done at the start of a shift, known as Startup Checks.

Non-Evidence/General Recording: This category should be used for recordings not associated with a call for service, offense, citation, arrest, report of crime or community member complaint. This category includes events such as general contacts that would not be considered evidence.

Protected: This category should be used for all recordings requiring a special level of review such as those capturing people with confidential identities or proprietary tactics.

Citizen Complaint: This category should be used for all recordings associated with any complaint of misconduct by a member of the public.

Evidence: This category should be used for all recordings associated with any call for service, offense, citation, arrest or report of crime (regardless of whether the member believes there is actual evidence captured in the recording). This includes all related recordings such as witness statements or other evidence.

Use of Force-Other: This category should be used for all recordings in which use of force was captured, where the force resulted in no injuries or less than substantial bodily harm.

Use of Force- Substantial Bodily Harm: This category should be used for all recordings that record, describe, or otherwise document actions and circumstances surrounding a use of force.

Police Discharge of a Firearm: This category should be used for all recordings record, describe, or otherwise document actions and circumstances surrounding a use of force involving a firearm discharge by a member, where a notice is required under MN Statute section 626.553 Subd. 2.

Significant Event: This category should be used for any recording related in any way to any one of the following situations:

- Critical Incident.
- Level 3 use of force.
- Homicide.
- Pursuit involving injuries or significant property damage.
- Squad accident involving injuries or significant property damage.
- Man-made or natural disaster or act of terrorism.
- Any event that a member or supervisor believes should be brought to the immediate attention of police command staff.

Non-BWC Data: This category should be used for any file uploaded that is not a BWC or in-car camera video recorded by MPD.

Records Unit/RA Only: This category is used by Records unit staff or staff of the Responsible Authority to label a BWC recording that the data subject wants to make public.

Citizen Evidence: This category should be used for digital evidence collected by a community member from their own digital collecting device (such as a cell phone or home/business security camera) and shared with the MPD for use in a criminal, civil, or internal investigation.

5. Case number required

- a. Whenever a case number is generated from CAD, members shall provide the associated case number in the “ID” field for all related BWC and in-car camera data.
- b. When entering the number, it shall be in the standard format of YY-xxxxxx (ex. 16-123456). The dash must be included and no other characters will be used.

6. Protected category requirement

If the Protected category is applied, the member shall also add “PROTECTED” at the beginning of the Title field.

7. Critical Incidents- uploading data and custody of BWC equipment

- a. When MPD is the investigating agency, involved and witness members shall maintain custody of their BWC equipment until Crime Lab personnel take custody of the equipment.
 - i. In the event that any members will be photographed as part of the Critical Incident protocol (see P&P 7-810), the members shall leave BWC equipment on their uniform until photographs are completed.
 - ii. Authorized Crime Lab personnel are responsible for ensuring any BWC recordings are properly uploaded.
 - iii. Once all uploads are completed, the assigned investigators are responsible for authorizing release of the BWC equipment to the member or other appropriate personnel.
 - iv. 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.

- b. When MPD is the investigating agency, all members except involved and witness members shall upload their BWC data as soon as possible, and no later than the conclusion of their shift.
 - c. When investigation of the incident is transferred to another law enforcement agency, members shall provide their BWC to the investigating agency.
 - i. Uploading of the recordings and physical custody of the BWC will be coordinated with assigned MPD investigators and the outside investigating agency.
8. Tagging videos for recognition

It is critically important that officers be recognized and commended for sound tactics, professional service, and for going above and beyond the call of duty.

- a. Members shall submit the MPD approved electronic BWC Recognition form for any BWC recordings in which the member's conduct is a good example of the following actions:
 - De-escalation.
 - Life-saving.
 - Community engagement.
 - Positive personal interaction.
- b. Supervisors shall submit the form for any recordings they feel include good examples from their subordinates.
- c. Submitting the form does not constitute a recommendation for an award, and does not guarantee review- it is intended to make it easier to find recordings that include actions to highlight.

H. Problems with the Recording Systems Equipment

1. Members shall directly notify their immediate supervisor as soon as practical of any:
 - Missing equipment.
 - Damaged equipment.
 - Malfunctioning equipment (including when either or both of the audio or video recording functions is malfunctioning).
 - A loss of BWC battery power (including if the BWC does not maintain a charge for a full regularly assigned shift).
2. The notification must be made without unnecessary delay.
3. As soon as practical, members shall submit a ticket with the IT Service Desk to report the problems (P&P 4-219).

4. Members shall document in the Police Report any problems they encountered with their primary BWC or in-car camera while responding to an incident. The member shall also note if they are using a replacement BWC. If a Police Report is not required, the members shall document the problems in CAD.
 - a. If the member is using a replacement BWC (as provided by BTU or the member's supervisor), the supervisor shall reassign the recordings accordingly.

I. Report Writing

1. Data access

BWC and in-car camera data may only be accessed in accordance with the section [IV-L] relating to Access to Data and Request for Duplication of Recordings.

2. Critical Incidents and other level 3 uses of force

- a. To capture and document the members' perceptions and recollections uninfluenced by outside sources, and in accordance with P&P 7-810 and P&P 5-302, involved and witness members in Critical Incidents or other incidents involving level 3 uses of force are prohibited from reviewing BWC and in-car camera data prior to making their initial Police Report or statement in the Police Report, being interviewed or completing use of force documentation, unless viewing the data is necessary to address an immediate threat to life or safety in the field.
- b. In Critical Incidents, if authorized by the Chief of Police to review BWC or in-car camera data after making their initial Police Report (in accordance with P&P 7-810), members may add an additional narrative text after review but shall not alter the initial report.
- c. In other level 3 uses of force, members may review BWC and in-car camera data after making their initial Police Report and may add an additional narrative text after review but shall not alter the initial report.

3. Incidents that are not Critical Incidents or other level 3 uses of force

In incidents that are not Critical Incidents or other level 3 uses of force, members may review BWC and in-car camera data to aid in their documentation, in accordance with the section [IV-L] relating to Access to Data and Request for Duplication of Recordings.

4. Items about BWC and in-car camera usage to include in the Police Report

When a Police Report is made, members shall document the following in the Police Report:

- Whether audio or video evidence was gathered relating to the events described in the report.

- If the BWC or in-car camera was not activated as required and the reason(s) why not, in accordance with the Activation section.
- Early or accidental deactivations, in accordance with the Deactivation section.
- Any malfunction of the equipment in either the recording or the uploading of the event.
- For reportable use of force documentation, whether the BWC or in-car camera data was viewed prior to completing the Police Report or use of force documentation.

J. Supervisor Responsibilities

1. Ensure members follow procedures

Supervisors shall ensure that members follow established procedures for the use and maintenance of BWC and in-car camera equipment and the completion of BWC and in-car camera documentation. This includes the review of recordings and usage data to ensure proper procedures are being followed.

- a. The MPD BWC Quality Assurance Unit will establish minimum standards for the review of BWC recordings and usage data. Supervisors shall conduct reviews of BWC recordings and usage data in accordance with these standards.
- b. Precinct Inspectors or Division Commanders may also direct their assigned members to conduct additional reviews of BWC recordings and usage data that exceed the standards established by the MPD BWC Quality Assurance Unit.

2. Problems with the equipment

- a. Supervisors shall ensure that appropriate measures are taken when informed of any problems with BWC or in-car camera equipment. This includes notification to BTU of the situation, replacing the BWC in question, and making any necessary reports.
- b. Supervisors shall ensure that members who report an inoperable or damaged BWC are provided with a temporary or replacement BWC as soon as possible, and no later than the beginning of the member's next shift. This may include temporarily assigning a BWC that is not currently being used.
- c. If the member is using a replacement BWC (as provided by BTU or the member's supervisor), the supervisor shall reassign the recordings accordingly.
- d. Supervisors shall ensure that a ticket is submitted for the problematic equipment (P&P 4-219).

3. Respond to the scene

Supervisors shall respond to the scene of an incident that requires immediate retrieval of recordings and ensure appropriate uploading procedures are followed.

- a. For incidents not considered to be Critical Incidents
 - i. If an incident occurs that involves substantial or great bodily harm or death, the supervisor shall ensure that members upload the video as soon as practical following any necessary duties as part of the incident.
 - ii. The same requirements shall apply to any incident the supervisor deems may be a “high profile” incident.

- b. For Critical Incidents

For Critical Incidents, equipment and uploading shall be handled according to the Uploading and Classification Critical Incident section.

4. Review pertinent video

When conducting force reviews or complaint investigations, supervisors shall view any pertinent BWC and in-car camera video as part of the review (including from witness members). Supervisors may also view pertinent BWC and in-car camera video as part of any other administrative review.

K. Data Retention

1. Data will be maintained in a storage system designated and approved by the Department.
 - a. All data will be backed up by the storage system vendor.
 - b. BWC and in-car camera video shall only be stored in a database that is CJIS compliant (such as evidence.com, One Drive and Share Point). The video shall not be stored in any other database, including the M drive. Video shall not be stored on computer hard drives.
2. Data will be retained in accordance with applicable law, this policy and the City of Minneapolis records management retention schedule. Data may be retained past the scheduled retention period as required by MN Statute section 13.825 Subd. 2 and Subd. 3.

L. Access to Data and Requests for Duplication of Recordings

1. Permission required for system access

Access to the Department authorized storage system shall only be granted with written permission from the Commander of the Administrative Services Division (who oversees BTU), and only for a legitimate, specified law enforcement purpose.

- a. Such permission must include the level of access to be granted to the person, and any other restrictions that should be placed on the access.

- b. BTU will periodically review the user access list to ensure that access levels are appropriate and have been duly authorized.

2. Documentation of access data

All accesses of the data are documented automatically as part of the vendor technology. Data relating to accesses will be retained in accordance with the retention schedule for the data that was accessed.

3. Requests for data

All BWC and in-car camera recordings are the property of the MPD and original 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. MPD records policy

All recordings shall be handled in accordance with the Department's records policy (P&P 4-501).

- b. Public requests and redaction

Public requests for BWC or in-car camera 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.

- i. The public, non-public or confidential status will be determined in accordance with the Minnesota Government Data Practices Act or other applicable law in relation to the specific request.
- ii. Data subjects have access to the data, subject to the conditions in the Data Practices Act, including but not limited to MN Statute section 13.825.
- iii. All entities with access to the BWC or in-car camera data are responsible for ensuring they only handle and release the data in accordance with MN Statute.
- iv. Any necessary and lawful redaction or other editing of the 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.

- aa. Data that are public may be redacted or access may be withheld to portions of the data if those portions of data are clearly offensive to common sensibilities, in accordance with MN Statute section 13.825 Subd. 2.
- ab. If a data subject requests that data or requests that it be made public, data on other subjects will be redacted as required by MN Statute section 13.825, where applicable.
- ac. The original recording shall remain intact and stored within the Department authorized storage system in accordance with record retention laws and policies.

c. Member requests for duplication

Requests by members for duplication of BWC or in-car camera data for purposes of official MPD business shall be directed to the Records Information unit.

d. Outside agency requests for duplication

Requests by outside agencies for duplication of BWC or in-car camera data shall be directed to the Records Information unit.

e. Sharing recordings with the public or with members

Members shall not share BWC or in-car cameras recordings with any member of the public or any MPD member, unless it is required in the performance of their official duties and consistent with State and Federal law.

f. Sharing with partner agencies

Members may share BWC and in-car camera data with a partner agency when:

- i. The data is shared with an approved City department or government agency as necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.
- ii. The data is shared to aid another public safety agency in an active criminal investigation.

4. Data use for training purposes

Recorded data may only be replayed or displayed for training purposes with the approval of the Deputy Chief of the Professional Standards Bureau. Nothing herein prohibits Training Division staff from having access to recordings for the purpose of planning training.

5. Data access by members or as evidence

Data captured by a BWC or in-car camera may be accessed by a member, provided the access is in the course and scope of the member's lawful job duties, or used as evidence relating to:

- Pending administrative, criminal, civil or traffic matters.
- A complaint of misconduct made against a member.
- In situations where evidence of member misconduct is discovered during the course of authorized access (including force reviews).
- A random or uniform review of the data with regard to equipment functionality, policy compliance.
- Any other purpose authorized under this policy and consistent with State and Federal law.

6. Data access and release in Critical Incidents

In any Critical Incident, video and audio data shall not be accessed unless approved by the assigned investigating agency, except when necessary to comply with the following requirements for release of BWC data in fatal uses of force:

a. Inspection of BWC data by next of kin within five days

In accordance with MN Statute, section 13.825 Subd. 2(b):

Notwithstanding section 13.82, subdivision 7, if a person dies as a result of a use of force by an MPD member, the MPD must allow the following people, upon their request, to inspect all BWC data, redacted no more than what is required by law, documenting the incident within five days of the request, subject to following listed exception:

i. Specified people

The people covered by the next of kin inspection requirement are:

- aa. The deceased person's next of kin.
- ab. The legal representative of the deceased person's next of kin.
- ac. The other parent of the deceased person's child.

ii. Exception

In accordance with MN Statute section 13.825 Subd. 2(c), the MPD may deny a request to inspect BWC data by the specified people in a fatal use of force, if the MPD determines that there is a compelling reason that inspection would interfere with an active investigation. If the MPD denies access under this paragraph, the

Chief must provide a prompt, written denial to the specified person who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to MN Statute section 13.82 Subd. 7.

b. Release of BWC data to the public within fourteen days

In accordance with MN Statute 13.825 Subd. 2(d):

If a person dies as a result of a use of force by an MPD member, the MPD shall release all BWC data, redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the Chief asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by section 13.82, subdivision 7.

7. No duplication of data by recording devices

Members are prohibited from using recording devices to duplicate BWC or in-car camera video or audio in any form, including cell phones or video cameras.

M. Notice to Data Subjects

1. If a person brings an action in district court under MN Statute section 13.825 Subd. 2, the MPD shall give notice to any data subjects in the video in question who did not receive notice from the person bringing the action, if known.
2. If the MPD has retained a recording in accordance with MN Statute section 13.825 Subd. 3 paragraph (c), the MPD shall notify the requester after the time period is up that the recording will then be destroyed unless a new request is made under that paragraph.
3. If the MPD discovers or is notified of a breach in the security of the data, data subjects, if known, will be notified in accordance with MN Statute section 13.055, Subd. 2.

N. Uploading Other Data

For all video, audio or photographic data uploaded to the storage system that was not video captured by an MPD-issued BWC or in-car camera, members shall follow the requirements in the Uploading and Classification section where applicable, as well as the following requirements:

1. The category of “Non-BWC Data” shall be applied, along with all other applicable categories.
2. Whenever a case number is generated from CAD, members shall provide the associated case number in the “ID” field for all related data.
 - a. When entering the number, it shall be in the standard format of YY-xxxxxx (ex. 16-123456). The dash must be included and no other characters will be used.

IV. Definitions

Activation: Any process that causes the recording system to record audio or video data.

1. Activation may occur automatically due to a trigger event or can be done manually.
2. Activation of a BWC can only occur when the BWC is already powered on.

Authorized Personnel: Personnel designated by the Chief or the Chief's designee, to manage data captured by the recording systems. 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.

Business Technology Unit (BTU): The Business Technology Unit acts as a liaison between the MPD and City IT and is responsible for the technological aspects of the BWC and in-car camera program, including device support and maintenance.

BWC Quality Assurance Unit: The BWC Quality Assurance Unit within BTU is responsible for oversight of the BWC program and ensuring policy adherence.

CAD (Computer Aided Dispatch): CAD is the electronic system used to manage law enforcement resources in relation to calls for service.

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

Critical Incident: Per the Critical Incident policy (P&P 7-810), a Critical Incident is 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 member.
- Death or Great Bodily Harm to a member.
- Death or Great Bodily Harm to a person who is in the custody or control of a member.
- Any action by a member that causes or is intended to cause Death or Great Bodily Harm.

Deadly Force: "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." (MN Statute section 609.066)

Deactivation: Any process that causes the recording system to stop recording. Deactivation can be done manually or can occur accidentally.

Designated Upload Site: Location where members complete the task of uploading BWC recordings to a storage server through a PC using the SYNC program or through a docking station or uploading in-car camera recordings to a storage server through wireless transmission.

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. (MN Statute section 609.02 Subd. 8)

In-Car Camera System: Audio and video recording equipment designed for fixed installation in patrol vehicles that includes at a minimum: a camera, external microphone, recorder and LCD monitor.

Manual Activation of In-Car Camera: Activation of in-car camera equipment that is not caused by a trigger event. Members may activate the in-car camera equipment via the in-car LCD monitor, or by activating the BWC of a member logged on that squad's computer.

Operation 100: An Operation 100 is a SWAT callout where on or off-duty SWAT Tactical, Negotiators, and Tech Team members respond to a hostile event, such as an active shooter or a barricaded suspect, which exceeds the capabilities of traditional law enforcement first responders and investigators.

Power On: Powering on the BWC requires setting the "On/Off" switch to "On," enabling power to the BWC. This must occur prior to and is distinct from Activation.

Pre-Event Recording: Video stored by the recording system prior to manual activation. This is a configurable feature for the digital system and is preset to record video only (no audio) prior to manual activation. The pre-event recording is included as part of the incident and is viewable during playback.

Record Mode: When the BWC or in-car camera is recording both audio and video as a result of activation.

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).

Recording Systems: In this policy, recording systems and recording equipment include both BWCs and in-car cameras.

Trigger Event: An event that causes the recording system to begin recording. Trigger events include the activation of emergency lights.

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

Wireless Upload: When the vehicle is connected via cellular service, in-car camera recordings are automatically transferred via a wireless connection to a storage server.