

**TO:** Mayor Robinson and City Council

**FROM:** Jeffrey L. McCormick, Chief of Police

**SUBJECT:** Body Camera Policy

**DATE:** 12-1-16

**BACKGROUND**

The Minnesota Legislature passed a law this session that covers police use of body cameras. The Cannon Falls Police Department was among the first agencies to use body cameras and have utilized them since 2011. Our most recent policy from March 2016 addressed not only body camera use, but any police video. That policy addressed 90-95% of the items required by the new legislation.

As a result of the new law I have separated the Police Video Recording Equipment into two policies. One for Police Body Worn Cameras and one that addresses all other Police Video Recording Equipment. The law requires Council action on the Police Body Worn Camera Policy, which is attached for reference.

The law requires that any police department using body cameras to have a policy that covers the provisions required by the law. As an agency already utilizing police body worn cameras we are required to have a new policy in place by January 15, 2017. Another provision of the law is the requirement for public input. The Police Department has finished the period of accepting written input and no input was received. The next opportunity for public input would be during this Council Meeting, before Council considers approval of the policy.

**REQUESTED COUNCIL ACTION**

I request that the Council have a period for public input before making a Motion and approval the Police Body Worn Camera, Policy 3-18.

## CANNON FALLS POLICE DEPARTMENT

**SECTION 3-5**  
**SUBJECT POLICE VIDEO RECORDING EQUIPMENT**

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### **POLICY**

This agency recognizes that Police Video Recording Equipment (PVRE) is an effective law enforcement tool. Therefore, the policy of this agency will be to utilize PVRE technology in a manner that enhances accountability and transparency for all involved in a police and citizen interaction. This policy does not apply to police body worn cameras (BWC) which are addressed in policy 3-18. PVRE is only a slice of what was occurring at a given time and is a two dimensional representation of a three dimensional event. The PVRE may not record all the information that was seen or heard by those involved in the event and is only one part of the documentation of an event where a full understanding of what occurred is needed.

### **PURPOSE**

The purpose of this policy is to clearly establish for agency personnel the proper use of PVRE technology to achieve the following:

- The primary purpose is to provide evidence collection of events, actions, conditions, and statements made during arrests, critical incidents, and other law enforcement activities.
- To enhance the agency's ability to provide accountability and transparency of officer and citizen interactions.
- To evaluate the performance of officers and to assist in training.

### **SCOPE**

This policy applies to all sworn personnel and those civilian personnel assigned the responsibility of handling digital evidence or information releases.

## **STANDARDS**

### **3-5.1 DEFINITIONS**

Body Worn Camera (BWC) – A camera system that is worn on an individual officer's person that records and stores audio and video data.

Building Video (BV) – A video camera system that is mounted inside the police building to record video with or without audio from fixed locations.

Data Transfer – The movement of digital data from a PVRE device to the agency digital evidence storage location.

Digital Evidence – Digital data files from PVRE including BV, ICV, BWC or any other agency device capable of capturing audio, video, photographs and stored in a digital format that have an evidentiary value.

Evidentiary Value – Information that may be useful as proof in a criminal prosecution, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.

General Citizen Contact – A formal or informal encounter between an officer and person(s) that does not have an evidentiary value. Examples including, but not limited to: assisting a motorist with directions, answering general questions or receiving generalized concerns from a citizen about crime trends in his or her neighborhood.

In-Car Video (ICV) – A video camera system that is mounted in a police vehicle that record and stores audio and video data.

Minnesota Government Data Practices Act (MGDPA) – Refers to Minnesota Statute 13.01, et seq.

Non-general Citizen Contact – Means an officers encounter with a person(s) that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.

Other Police Video (OPV) – Any PVRE that is utilized by the Cannon Falls Police Department and is not listed within the definitions of this policy and is able to record and stores video data.

Unintentionally recorded footage – Is a video recording that result from an officer’s inadvertence or neglect in operating the officer’s PVRE, provided that no portion of the resulting recording has evidentiary or administrative value. Examples include, but are not limited to, recordings made in agency locker rooms, restrooms, and recordings made while officers were engaged in conversations of a non-business or personal nature with the expectation that the conversation was not being recorded.

### **3-5.2 TRAINING/USAGE**

#### **A. Training**

1. The agency shall provide all employees responsible for the operation, handling and management of the PVRE equipment and data files with training to ensure compliance with this policy.

#### **B. Usage**

1. Officers shall operate and use any of the agencies PVRE consistent with this policy.
2. Officers should use only department approved/issued PVRE systems in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this department, unless extenuating circumstances require the use of a personal device, however regardless of ownership of the non-PVRE and data created while performing authorized law enforcement services as an employee are the property of the department and subject to all provisions of this policy.

### **3-5.3 PVRE SYSTEM TYPES**

The agency currently utilizes three primary system types:

- A. Building Video (BV)
- B. Body Worn Camera (BWC)
- C. In-Car Video (ICV)

Other PVRE may be utilized, including but not limited to: video cameras, portable motion cameras.

### **3-5.4 PVRE PROCEDURES**

PVRE share some common elements of operation and use, however they each are covered separately by a section of this policy regarding the operation of each system type, except BWC. The storage and retention will be addressed in a section of this policy covering all the systems, except BWC.

### **3-5.5 BV EQUIPMENT**

BV equipment is designed to record in a continuous loop and the recordings cannot be accessed by officers. If an officer determines that a recording is needed for evidence or because of a non-general interaction incident, a request should be made to their immediate supervisor by e-mail. The e-mail should include: Date, Camera location(s) (example: Interview 1), Time of start and end and what is occurring at each point (BV time may be different and the information allows the recording to cover the complete length requested), ICR number to be transferred to an evidence disk.

### **3-5.6 ICV EQUIPMENT**

ICV equipment is the responsibility of the officer assigned to the vehicle in which the ICV is installed. During the squad check, officers shall determine if the ICV equipment is working correctly. Problems shall be reported to their immediate supervisor. An alternate vehicle with an operational ICV system should be considered if available. The ICV system is configured with a pre-record feature that will record video only for a predetermined length of time as set by the agency.

#### **A. Activation/Deactivation**

1. Officers should ensure the video camera is positioned and adjusted to record events. ICV equipment will automatically activate when the vehicle's emergency warning devices are in operation.
2. Officers may manually activate the ICV.
3. The wireless microphone will be worn in a manner to pick up dialog or narration with when activated with the ICV system.
3. Once activated, the ICV should continue recording until the conclusion of the event, or until it becomes apparent that additional recording is unlikely to capture information having evidentiary value or if the event would be recorded by another PVRE system.

### **3-05.7 DOWNLOADING / LABELING RECORDINGS**

- #### **A.**
- ICV equipment is configured to download by wireless connection and no action is needed from the officer for that to occur. If an ICV does not download as indicated by the amount of data storage being used on the device, the officer shall notify the City's Information Technology and if

unable to be corrected, then the officer should notify their immediate supervisor.

- B. Officers should download the any other PVRE, except BWC which is covered by policy 3-18, at the end of their shift or when it becomes full, unless it is part of an multi shift surveillance. Nothing prevents an officer from downloading more frequently.
- C. BWCs will be downloaded in the manner and to location specified during training.
- D. Recordings of known evidentiary value or use of force event or an event the officer believes should be retained longer will be labeled and stored as directed during training. These recordings need to be listed in the officer's written report.
- E. All other recordings shall be stored designated by agency configuration for downloading. Recording will be labeled as designated during training.

### **3-5.8 DATA STORAGE MEDIA CONTROL AND MANAGEMENT**

- A. Data Retention
  - 1. Evidentiary data shall be retained for the period specified in the General Records Retention Schedule for Minnesota Cities. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable retention period.
  - 2. Unintentionally recorded footage shall not be retained and will be deleted at the earliest possible time.
  - 3. Non-evidentiary, or becomes classified as non-evidentiary, shall be retained for a minimum of 90 days following the date of capture. If information comes to light indicating that non-evidentiary data has evidentiary value or value for training, it may be reclassified and retained for a longer period.
  - 4. BV is recorded in a closed continuous loop system and the retention is determined by the system and is not subject to the minimum days provided in this section because the amount video in the BV system is based on the amount of data compression utilized and the exact numbers of days constantly changes as a result.
  - 5. OPV recordings of non-evidentiary shall not be subject to the minimum days provided in this section and data may be recorded over or deleted to make the device ready to be used again.

B. Digital Data Storage

1. Officers shall only use agency designated digital data storage, as approved by the Chief of Police or designee.

C. Security/Control of Digital Data

1. Officers shall not intentionally edit, destroy, erase or in any manner alter PVRE digital data unless otherwise expressly authorized by the chief or the chief's designee.
2. Upon download from the PVRE device, digital data will be subject to the same security restrictions and chain of evidence safeguards as any other piece of evidence/property.
3. A copy of any digital data will not be released to a person or agency, other than another criminal justice agency, without prior approval of the Chief of Police or his/her designee.
4. Personally owned devices, including but not limited to computers and mobile devices, shall not be programmed or used to access, view or record PVRE digital data, without prior approval from the Chief of Police.
5. Access to PVRE digital data from city or personally owned and approved devices shall be managed in accordance with established agency and/or city policy.
6. Agency personnel may access and view stored PVRE data only when there is a business need for doing so, including the need to defend against an allegation of misconduct or substandard performance. Officers may review video footage of an incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about the incident.
7. Agency personnel are prohibited from accessing PVRE data for non-business reasons and from sharing the data for non-law enforcement related purposes, including but not limited to uploading PVRE digital data recorded or maintained by this agency onto public and social media websites.
8. Officers may display portions of PVRE data to witnesses as necessary for purposes of investigation as allowed by Minn. Stat. § 13.82, subd. 15, as may be amended from time to time. Officers should limit these displays, including but not limited to: showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio but not displaying video, to protect against the incidental disclosure of individuals whose identities are not public.

9. Officers shall refer members of the media or public seeking access to PVRE data to [the responsible authority/data practices designee], who will process the request in accordance with the MGDPA and other governing laws. Employees seeking access to PVRE digital data for non-business reasons may make a request for it in the same manner as any member of the public.
10. PVRE digital data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

### **3-5.9 AGENCY USE OF DATA**

- A. Supervisors may randomly review PVRE recordings made by officers to ensure the equipment is operating properly and officers are using the devices appropriately in accordance with policy, and to identify any performance areas in which additional training or guidance is required.
- B. Officers should contact their supervisors to discuss retaining and using PVRE footage for training purposes. Officer objections to preserving or using certain footage for training will be considered on a case-by-case basis.
- C. Nothing in this policy limits or prohibits the use of PVRE data as evidence of misconduct or as a basis for discipline.
- D. This agency will conduct an annual audit to check for the occurrence of unauthorized access to PVRE data. Randomized sampling may be utilized for this process, and statistical results of the audit will be reported to the city council.
- E. PVRE recording that are retained for training purposes, which no longer have evidentiary value, may be stored outside of the regularly used server. Such recording are still considered department data and may not be disseminated outside the department without prior approval.