

Body-Worn Cameras

420.1 PURPOSE

The use of body-worn cameras (BWCs) by the Centennial Lakes Police Department is intended to enhance the mission of the Department by documenting contacts between members of the Department and the public, while balancing demands of accountability, transparency, and privacy concerns. Digital evidence captured by the portable recording system is not all-inclusive. The system captures a less-broad and less-detailed image than the totality of the human senses. This policy reflects a balance between the desire to establish exacting and detailed requirements and the reality that officers must attend to their primary duties that include the safety of all concerned, often in circumstances that are tense, uncertain, and rapidly evolving.

420.2 POLICY

It is the policy of this department to authorize and/or require the use of department-issued BWCs as set forth below as required by M.S. section 626.8473, subd.3.

420.3 SCOPE

This policy governs the use of BWCs in the course of official duties. It does not apply to the use of surreptitious recording devices in undercover operations or the use of squad-based (dash- cam) video recorders if available. The chief or chief's designee may modify this policy by providing specific instructions for the use of BWCs to individual officers, or providing specific instructions for the use of BWCs pertaining to certain events or classes of events, including but not limited to political rallies and demonstrations. The chief or chief's designee may also provide specific instructions or standard operating procedures for BWC use to officers assigned to specialized details, such as carrying out duties in courts or guarding prisoners or patients in hospitals and mental health facilities. Officers deemed to be *Brady-Giglio* impaired must wear and utilize their BWC in all public contacts while serving in their official capacity.

420.4 DEFINITIONS

The following phrases have special meanings as used in this policy:

- A. MGDPA or Data Practices Act refers to the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq
- B. Records Retention Schedule refers to the retention schedule adopted by the Centennial Lakes Police Department
- C. Body Worn Camera(s) refers to a portable recording system as defined in M.S. 13.825, subd 1(b)(1) as a device worn by a peace officer that is capable of video and audio recording of rooms, restrooms, and recordings made while officers were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded the officer's activities and interactions with others or collecting digital multimedia evidence as part of an investigation

Centennial Lakes Police Department

Centennial PD Policy Manual

Centennial PD Policy Manual

Body-Worn Cameras

- D. Law enforcement-related information means information captured, or available for capture, by use of a BWC that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision
- E. Evidentiary value means that the information 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 department or officer. Note: “[R]elated civil or administrative proceeding” refers, for example, to implied consent or forfeiture actions arising from an arrest or prosecution. Nothing in this policy obligates the department to collect or maintain BWC data solely for use in third-party tort litigation
- F. Incidental citizen contact means an informal encounter with a citizen that is not, and does not, become law enforcement-related or adversarial, and a recording of the event would not yield information relevant to an ongoing investigation. Examples include, but are not limited to, assisting a motorist with directions, summoning a tow truck, or receiving generalized concerns from a citizen about crime trends in the reporting person’s neighborhood.
- G. Critical incident refers to an encounter between a police officer and community member(s) that results in great bodily harm or death to a community member. A critical incident could include an officer use of force or deadly force encounter between a police officer and a member of the community. A critical incident may also include an in-custody death of a person under the care, custody, or control of an officer
- H. Adversarial means a law enforcement encounter 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 their own are deemed adversarial
- I. Unintentionally recorded footage is a video recording that results from an officer’s inadvertence or neglect in operating the officer’s BWC, provided that no portion of the resulting recording has evidentiary or administrative value. Examples of unintentionally recorded footage include, but are not limited to, recordings made in station house locker rooms, restrooms, and recordings made while officers were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded
- J. Official duties/capacity, for purposes of this policy, means that the officer is on duty and/ or performing authorized law enforcement services on behalf of this department or while in uniform.
- K. *Brady-Giglio* impaired means that a police officer has engaged in certain qualifying conduct established by the Anoka County Attorney that may necessitate disclosure as part of the prosecution or defense of a criminal defendant (see Policy 612). A police officer deemed to have a *Brady* impairment shall have additional BWC use expectations as identified within this policy.

Centennial Lakes Police Department

Centennial PD Policy Manual

Centennial PD Policy Manual

Body-Worn Cameras

420.5 USE AND DOCUMENTATION

- A. Officers may use only department-issued BWCs in the performance of official duties for this department or when otherwise performing authorized law enforcement services as an employee of this department. Note: This provision prohibits officers from using personally owned BWCs, or those provided by private entities that may be contracting for services, while performing department-authorized law enforcement activities. The use of non-department equipment is inconsistent with the department's obligation to administer resulting video footage as government data.
- B. Officers who have been issued BWCs shall operate and use them consistent with this policy. Officers shall check their issued BWCs at the beginning of each shift to make sure the devices are functioning properly and shall promptly report any malfunctions to the officer's supervisor.
- C. Officers should wear their issued BWCs at the location on their body and in the manner specified in training or which maximizes viewable video images.
- D. Officers must document BWC use and nonuse as follows:
 - 1. Whenever an officer makes a recording, the existence of the recording shall be documented in an incident report or log record of the event.
 - 2. Whenever an officer fails to record an activity that is required to be recorded under this policy or captures only a part of the activity, the officer must document the circumstances and reasons for not recording in an incident report. Supervisors shall review these reports, initiate any corrective action deemed necessary, and notify their command-level supervisor.

420.6 GENERAL GUIDELINES FOR RECORDINGS

- A. Officers shall activate their BWCs when responding to all calls for service, prior to interacting with those involved in the respective incident, and during all law enforcement-related encounters and activities, including, but not limited to, pursuits, investigative stops of motorists and pedestrians, arrests, searches, suspect interviews and interrogations, and during any police/citizen contacts that become adversarial. However, officers need not activate their cameras when it would be unsafe, impossible, or impractical to do so, but such instances of not recording when otherwise required must be thoroughly documented as specified in the Use and Documentation guidelines, part (D)(2) (above).
- B. Except as otherwise directed, officers have discretion to record or not record incidental citizen contacts (see *Brady-Giglio*)
- C. Officers have no affirmative duty to inform people that a BWC is being operated or that they are being recorded. Officers may elect to notify people they encounter that a BWC is being operated if it is felt that doing so may aid the law enforcement process, reduce fear on the part of a person subjected to a law enforcement contact, result in improved behavior of a person, or if it serves to de-escalate an encounter. If asked, officers are required to provide a factual response about recording

Centennial Lakes Police Department

Centennial PD Policy Manual

Centennial PD Policy Manual

Body-Worn Cameras

- D. Once activated, the BWC should continue recording until the conclusion of the incident or encounter, or until it becomes readily apparent that additional recording is unlikely to capture information having evidentiary value. In an incident where a sergeant or detective has charge of a scene, he/she shall direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value. For purposes of creating a complete record of use, officers are strongly encouraged to state the reasons for ceasing the recording on camera before deactivating their BWC. If circumstances change, officers shall reactivate their cameras as required by this policy to capture information having evidentiary value
- E. All officers participating in the service of a search warrant shall wear and record the execution of the court approved warrant. Based on the circumstances, the detective or on scene sergeant may direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value
- F. Officers shall not intentionally block the BWC's audio or visual recording functionality to defeat the purposes of this policy
- G. Notwithstanding any other provision in this policy, officers shall not use their BWCs to record other department personnel during non-enforcement related activities, such as during pre- and post-shift time in locker rooms, during meal breaks, or during other private conversations. The chief of police may authorize BWC use as part of an administrative or internal criminal investigation
- H. No member of the department shall intentionally edit, alter, or erase any BWC recording unless otherwise expressly authorized by the chief or the chief's designee in writing
- I. Officers assigned to a plain clothes, investigative assignment, undercover assignment, or uniformed administrative role shall not be required to wear a BWC during their day-to-day work unless working in a uniformed call response capacity or are otherwise required by this policy or a command-level directive. Command staff members shall not wear a BWC.

420.7 SPECIAL GUIDELINES FOR RECORDING

Officers may, in the exercise of sound discretion, determine:

- A. To use their BWC to record an incidental police-citizen contact if there is reason to believe the recording would potentially yield information having evidentiary value, unless such recording is otherwise expressly prohibited
- B. To use their BWC to take recorded statements from persons believed to be victims and witnesses of crimes, and persons suspected of committing crimes, considering the needs of the investigation and the circumstances pertaining to the victim, witness, or suspect.
- C. Department personnel (sworn police officers, sergeants and detectives working in a uniformed call response capacity) shall use their BWCs and, if so equipped, squad-based audio/video systems to record the transportation and the physical transfer of persons in their custody to hospitals, detox and mental health care facilities, juvenile detention centers, and jails, but otherwise should not record in these facilities unless

Centennial Lakes Police Department

Centennial PD Policy Manual

Centennial PD Policy Manual

Body-Worn Cameras

the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of-force incident.

420.8 DOWNLOADING AND LABELING DATA

- A. Each officer using a BWC is responsible for transferring or assuring the proper transfer of the data from their assigned camera to the designated data storage location by the end of that officer's shift. However, if the officer is involved in a shooting, in-custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor or investigator shall take custody of the officer's BWC and assume responsibility for transferring the data from it. If the incident is being investigated by an outside authority, the involved officer's BWC shall be turned over to the investigating authority before the data is transferred from the camera device.
- B. Officers shall label the BWC data files at the time of video capture or transfer to storage, and should consult with a supervisor if in doubt as to the appropriate labeling. Officers should assign as many of the following labels as are applicable to each file:
 - 1. Custodial Arrest: To be used for all cases when a physical, custodial arrest is made and the subject is transported to any facility for processing such as Jail, RJC, a hospital (e.g. for a chemical test) and any law enforcement agency (e.g. for a chemical test/interview, etc.).
 - 2. Misd. & Gross Misd. cite, Juvenile Contact, Formal Complaint: To be used for any case that has any charge associated with it and does not involve a physical, custodial arrest such as a petty misd. traffic citation, a misd. citation, a gross misd. citation (104), juvenile contact form/report, and formal complaint requests.
 - 3. Use of Force: To be used anytime a use of force is involved even if you are the assisting officer and not directly involved in the use of force (i.e. mental health crisis)
 - 4. Officer Injury: To be used whenever there is injury to an officer
 - 5. Report call: To be used for all calls for service resulting in the preparation of a police report
 - 6. Assist/Advise/Warn: To be used in response to incidents (i.e. traffic stop)
 - 7. Administrative: To be used when the officer believes a participant in the call may make a complaint regarding the involved officer(s)
 - 8. Demonstration Only: Strictly for use in training demonstration only
 - 9. Training: To be used with supervisor approval when the video captured will be of value to department training efforts. See Department Use of Data, part C.
 - 10. Unintentional recording: See Definitions, part G. Officers labeling a file as such shall document the events or subject matter that was accidentally recorded by the department. These recordings shall be purged by a command level staff member or other member so designated by the chief with proper administrative rights or automatically by Evidence.com. The request to have unintentional footage purged shall be maintained to ensure the integrity of the records system.

Centennial Lakes Police Department

Centennial PD Policy Manual

Centennial PD Policy Manual

Body-Worn Cameras

11. Not evidence: The recording does not contain any of the foregoing categories of information and has no apparent evidentiary value. Recordings of incidental citizen contacts are not evidence
 12. Restricted: Command level access only. Reserved for possible use as part of, or, during an internal investigation
 13. Retention reclassification - permanent: The recording was initially classified in a manner that would result in automatic destruction in accordance with the department's retention practices, however based on case type and extended statutes of limitation, the data should be permanently retained (i.e. homicide). Note: Reclassification of the retention period to permanent is a function limited to Records Unit personnel only
 14. Privacy: the recording impacts the dignity of the individual recorded and the individual's privacy outweighs any legitimate law enforcement interest in recording
 15. Hold For Court: To be used when records staff receives a court notice from a city or a county attorney
- C. Labeling and flagging designations may be corrected or amended based on additional information by a ranking officer or their non-sworn designee.

420.9 ACCESS TO BODY WORN CAMERA DATA

- A. Access to BWC data shall be limited to the employee who captured the video, supervisory personnel and command level personnel, along with others deemed by the chief of police to have "need to know" or "need to access," such as case investigators and Records Unit personnel. In addition: BWC video shall be available to approved personnel within the offices of the department's city attorneys and Anoka County Attorney. Prosecutors or their designee may authorize protected access to specific cases with BWC video.
- B. Access to BWC data accessed from department owned and approved devices shall be managed in accordance with established department policy
- C. Officers may access and view stored BWC video only when there is a clear and legitimate business need for doing so
- D. Officers may review footage of an incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about the incident.
- E. With supervisor or command officer approval, officers may display limited portions of BWC footage 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 to protect against the incidental disclosure of individuals whose identities are not public
- F. Department personnel shall document their reasons for accessing stored BWC data in the manner provided within the database at the time of each access. Department personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law enforcement related purposes, including, but not limited

Centennial Lakes Police Department

Centennial PD Policy Manual

Centennial PD Policy Manual

Body-Worn Cameras

to, uploading BWC data recorded or maintained by this department onto public and social media websites

- G. Officers shall refer members of the media or public seeking access to BWC data to the chief of police or his/her designee, who will process the request in accordance with the MGDPA and other governing laws. Employees seeking access to BWC data for non-business reasons may make a request for it in the same manner as any member of the public
- H. Requests made by data subjects to receive BWC footage shall be responded to upon request and proper determination of identity as a data subject. It shall be the policy of this department to freely provide BWC data to any individual, group, or entity representing the BWC data subject upon receipt of a notarized request from the data subject for the BWC footage. Recordings that are clearly offensive to common sensibilities should not be publicly released unless disclosure is required by law or order of the court.
- I. BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

420.10 DEPARTMENT USE OF DATA

Command staff, supervisors and such persons designated by the chief shall, from time-to-time, but no less than two times per year, audit and review stored BWC video to determine whether it was captured, classified, reviewed, and displayed correctly, and the appropriate documentation pertaining to the same, if any, was completed. The department reserves the right to take such action it deems appropriate to ensure compliance and address violations of this policy as well as to enforce discipline standards for unauthorized access to data collected hereunder.

- A. On a biennial basis, the department will conduct an audit of the records maintained showing the date and time portable recording system data were collected and the applicable classification of the data. The department shall do so in accordance with M.S. 13.825, subd. 9.
- B. Officers should contact their supervisors to discuss retaining and using BWC footage for training purposes. Officer objections to preserving or using certain footage for training will be considered on a case-by-case basis. Approval to utilize video footage for law enforcement training purposes must be approved by the chief of police. BWC footage used for law enforcement training purposes shall be redacted prior to use. Field training officers may review BWC data with trainees for the purpose of providing coaching and feedback on the trainee's performance.
- C. During the supervisory review of officer videos, supervisors are strongly encouraged to identify, document, and commend excellence in service or superior police work observed in the BWC footage.
- D. Any member of this department who is deemed to be non-compliant with, or in violation of, this policy maybe subject to disciplinary action, up to and including, termination and criminal prosecution (see M.S. 13.09).

Centennial Lakes Police Department

Centennial PD Policy Manual

Centennial PD Policy Manual

Body-Worn Cameras

420.11 DATA RETENTION

- A. Evidentiary data shall be retained for the period specified in the schedule. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable retention period.
- B. Unintentionally recorded footage shall not be retained and is to be purged by a command- level staff member or other member designated by the chief of police with administrative rights to take such action. Any data manually deleted from the system, excluding demonstration data, shall be communicated to the chief of police, including the type of data and reason for deletion. A log shall be maintained of any and all administratively deleted video via Evidance.com.
- C. BWC footage that is classified as non-evidentiary, or becomes classified as non-evidentiary, shall be retained for a maximum of 12 months 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.
- D. The department shall maintain an inventory of BWC recordings through its vendor – Taser’s Evidence.com storage platform.

420.12 DATA CLASSIFICATION

- A. Outside of active criminal investigations (where data is generally confidential or protected nonpublic), BWC data is private or nonpublic data. Private data is accessible to the data subject.
- B. In accordance with M.S. 13.825, subd. 2(2), BWC data are public in four situations:
 - 1. When a peace officer discharges a firearm in the course of duty (but not when discharged for training purposes or dispatching animals).
 - 2. When use of force by a peace officer results in “substantial bodily harm” as defined in M.S.609.02, subd. 7a, “great bodily harm” as defined in M.S. 609.02, subd. 8, or death.
 - 3. When a data subject requests that the data be made accessible to the public, after redacting undercover officers and those who have not consented to the release.
 - 4. When body camera data documenting the basis for discipline is part of personnel data in final disposition of discipline.
 - 5. With the approval of the chief of police, this department may make otherwise non- public data public data if that could aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest, consistent with Minnesota Statutes, section 13.82, subdivision 15. Unintentionally recorded footage shall not be retained and is to be purged by a command- level staff member or other member designated by the chief of police with administrative rights to take such action. Any data manually deleted from the system, excluding demonstration data, shall be communicated to the chief of police, including the

Centennial Lakes Police Department

Centennial PD Policy Manual

Centennial PD Policy Manual

Body-Worn Cameras

type of data and reason for deletion. A log shall be maintained of any and all administratively deleted video via Evidence.com.