

Mobile Video Recording and Body Camera Policy

626.8473 Portable Recording Systems Adoption; Written Policy Required

Subdivision 1. Definition

As used in this section, “portable recording system” has the meaning provided in Section 13.825, Subd. 1.

Subdivision 2. Public Comment

A local law enforcement agency must provide an opportunity from public comment before it purchases or implements a portable recording system. At a minimum, the agency must accept public comments submitted electronically or by mail, and the governing body with jurisdiction over the budget of the law enforcement agency must provide an opportunity for public comment at a regularly scheduled meeting.

Subdivision 3. Written Policies and Procedures Required

(a) The chief officer of every state and local law enforcement agency that uses or proposes to use a portable recording system must establish and enforce a written policy governing its use. In developing and adopting this policy, the law enforcement agency must provide for public comment and input as provided in Subdivision 2. Use of a portable recording system without adoption of a written policy meeting the requirements of this section is prohibited. The written policy must be posted on the agency’s website, if the agency has a website.

(b) At a minimum, the written policy must incorporate and require compliance with the following:

(1) The requirements of Section 13.825 and other data classifications, access procedures, retention policies, and data security safeguards that, at a minimum, meet the requirements of Chapter 13 and other applicable law. The policy must prohibit altering, erasing, or destroying any recording made with a peace officer’s portable recording system or data and metadata related to the recording prior to the expiration of the applicable retention period under Section 13.825, Subd. 3, except that the full, unedited, and unredacted recording of a peace officer using deadly force must be maintained indefinitely;

(2) Mandate that a portable recording system be worn at or above the mid-line of the waist in a position that maximizes the recording system’s capacity to record video footage of the officer’s activities;

(3) Mandate that officers assigned a portable recording system wear and operate the system in compliance with the agency’s policy adopted under this section while performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official;

(4) Mandate that, notwithstanding any law to the contrary, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency must allow the following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five (5) days of the request, except as otherwise provided in this clause and clause (5);

- (i) the deceased individual's next of kin;
- (ii) the legal representative of the deceased individual's next of kin; and
- (iii) the other parent of the deceased individual's child.

A law enforcement agency may deny a request if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency denies access, the chief enforcement officer must provide a prompt, written, denial to the individual 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 Section 13.82 Subd. 7;

(5) Mandate that, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency shall release all portable recording system data, redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the chief law enforcement officer asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by Section 13.82 Subd. 7;

(6) Procedures for testing the portable recording system to ensure adequate functioning;

(7) Procedures to address a system malfunction or failure, including requirements for documentation by the officer using the system at the time of a malfunction or failure;

(8) Circumstances under which recording is mandatory, prohibited, or at the discretion of the officer using the system;

(9) Circumstances under which a data subject must be given notice of a recording;

(10) Circumstances under which a recording may be ended while an investigation, response, or incident is ongoing;

(11) Procedures for the secure storage of portable recording system data and the creation of backup copies of the data; and

(12) Procedures to ensure compliance and address violation of the policy, which must include, at a minimum, supervisory or internal audits and reviews, and the employee discipline standards for unauthorized access to data contained in Section 13.09.

(c) The board has authority to inspect state and local law enforcement agency policies to ensure compliance with this section. The board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process. The board may impose licensing sanctions and seek injunctive relief under Section 214.11 for an agency's or licensee's failure to comply with this section.

History

2106 c 171 s6; 2023 c 52 art 10 s 19

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Floodwood Police Department Mobile and Video Recording Policy

Mobile and Video Recording (MVR) Policy

I. Purpose

The purpose of utilizing mobile video recording (MVR) equipment in Floodwood Police Department vehicles is to:

- Capture video evidence for criminal, civil, and traffic-related court cases.
- Assist officers with recalling facts or other details captured by equipment that will help them accurately articulate a chain of events when writing reports.
- Allow supervisors to review the contents of the recorded media as a management tool within their chain of command.
- Be used as a training tool for officer safety and best practices in the Floodwood Police Department.
- Assist in the assessment of contacts between officers and the public by reviewing procedures and interpersonal actions.

The content of this policy will provide Floodwood Police personnel with guidelines and procedures for the use, management, access, retention, handling of evidence, degaussing, storage, and retrieval of recorded media captured by MVR equipment.

II. Policy

Floodwood Police Department employees shall be responsible for performing assigned duties in accordance with the Mobile Video Recording (MVR) System Policy and the MVR Operational Guide. All Floodwood Police Department employees who have access to the MVR system shall receive training on these systems. Training may include, but not be limited to: department policy, directives, electronic or traditional classroom education.

All stops and searches captured on the MVR are presumed to be legal and valid unless evidence indicates otherwise.

The term “officer” is used generically in this document and does not assume a level of rank, such as Patrol Officer. It includes all applicable sworn and non-sworn personnel.

III. Definitions

Activate: Any process which causes the MVR system to record video or audio data. Activation may occur automatically due to a trigger event or be done manually.

“Categorize” an event: Term used to classify an event that has been recorded and for which a predetermined retention period has been set.

Critical Incident: An incident involving any of the following situations occurring in the line of duty:

- The use of Deadly Force by or against a Floodwood Police Officer;
- Death or Great Bodily Harm to an officer;
- Death or Great Bodily Harm to a person who is in the custody or control of an officer;
- Any action by an officer that causes or is intended to cause Death or Great Bodily Harm.

Deadly Force: MN Stat §609.066 states that: “Force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm other than a firearm loaded with less-lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.”

Degaussing: Electronic cleansing by overwriting, erasing, and/or destruction of electronic storage media of analog and digital recording media that returns the media to its original state, so it is ready for the imprint of new images.

Designated Upload Site: Location where MVR recordings stored on media cards are uploaded to 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.

Manual Activation: Activation of MVR equipment that is not caused by a trigger event. Officers may activate the MVR equipment at their own initiation or at the direction of a supervisor via the wireless microphone, in-car LCD monitor, or digital video recorder (DVR) box in the vehicle’s trunk.

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

MVR Equipment Check: An audio/video test to ensure that the MVR equipment is in working order. This check shall include a test of the video and microphone recording components and a date and time check of the in-car LCD monitor.

MVR Operational Guide: Training manual/guide which outlines the protocol for operating the MVR system/equipment.

Pre-Event Recording: Video stored by the MVR system prior to activation. This is a configurable feature for the digital MVR system and is preset to record video prior to activation. The pre-event recording is included as part of the incident and is viewable during playback.

Record Mode: Any time MVR equipment is recording audio/video as indicated on the LCD monitor, wireless microphone and/or DVR.

Recorded Media: Audio-video signals recorded on any of several storage devices, including but not limited portable digital storage devices (e.g. CD. DVD. Hard drive, flash drive).

Significant Incident: Includes, but are not limited to, any of the following situations occurring in the line of duty:

- Critical incident;
- Domestic abuse incident interview;
- Felony crime;
- Pursuit;
- Squad accident;
- Any incident in which the officer or sworn supervisor believes the recording to be of evidentiary and/or administrative value;
- The identity of someone in the video needs to be protected;
- Man-made or natural disaster or act of terrorism;
- Any event that an officer or supervisor believes should be brought to the immediate attention of police command staff;
- Any time that a citizen makes allegations of police misconduct or discrimination during the incident.

Trigger Event: An event that causes the MVR system to begin a video and audio recording. Trigger events include the activation of emergency lights or vehicle collision sensor.

Wireless Upload: When the police vehicle is within range of the designated upload site, MVR (digital) recordings are automatically transferred over a wireless connection to a storage server.

A. Conditions of Use

1. MVR equipment installed in any Floodwood Police Departments vehicle is the responsibility of the officer(s) assigned to that vehicle and shall be operated in accordance with Floodwood Police Departments training, policies and procedures, and the manufacturer's recommendations.
2. When the activation indicator is illuminated, officers should be aware that activities are being recorded.
3. Before placing any MVR equipped vehicle in service, officers shall conduct an MVR equipment check to ensure that the equipment is working properly.
 - a. MVR Equipment Checks conduct on the digital MVR system shall be categorized "90 Day Retention".
 - b. The officer's immediate supervisor shall immediately be notified of any missing or malfunctioning MVR equipment.
4. The driver shall wear the wireless microphone, verify that it is turned on and shall be responsible for ensuring that it is working properly throughout the shift.
5. Record Mode can be activated in the following ways:
 - a. Automatically, when a trigger event occurs;

b. Manually, by an officer via the wireless microphone, LCD monitor console, or digital video recorder (DVR) box in the vehicle's trunk.

6. MVR equipment shall be in Record Mode:

- For every stop/contact where a motor vehicle is involved and shall record the stop/contact in its entirety.
- For domestic abuse incident interviews conducted inside or in close proximity to an MVR equipped vehicle.
- Any time a person is transported in a squad, regardless of the destination. This does not apply when an authorized ride-along is the only other person in the squad. When practical, officers shall begin recording when the person is placed in the squad, regardless if transportation begins immediately following activation.

7. MVR equipment may be manually deactivated during non-enforcement activities, such as protecting accident scenes, traffic posts, and/or assisting motorists.

8.. MVR equipment shall not be manually deactivated for an arrest, DUI, Use of Force, traffic stop or a "Significant Incident" as defined in this policy.

9. Any sworn supervisor can direct an officer to activate or deactivate MVR equipment.

10. Officers shall notify their immediate supervisor of any recorded event believed to be of value administrative review or training purposes.

11. Officers shall inform those who ask, that video/audio recording equipment is in use.

12. Nothing herein shall preclude Floodwood Police Department's personnel from reviewing or using recorded data for the purposes of investigation or prosecution of crimes or preparation of reports.

13. A Floodwood Police Department employee who is captured on or referenced in any recorded media, may review such data and use the data for any purpose relating to his/her employment, provided such use complies with the Minnesota Government Data Practices Act, Floodwood Police Department policy and other laws.

14. All MVR recordings are the property of the Floodwood Police Department and original MVR recordings shall remain in the sole custody of the Floodwood Police Department, unless used in court as evidence, provided to an expert for analysis, or required to be provided to another by lawful order. (08/28/09)

15. All MVR-equipped vehicles can be used for off-duty employment with supervisor pre-approval. MVR-equipped vehicles and use of MVR equipment are subject to all requirements as outlined for on-duty use.

16. Only Floodwood Police Department-issued videotapes, memory cards and microphones shall be used in MVR equipment. Floodwood Police Department is responsible for distributing blank MVR media to the units.

17. Disabling MVR equipment and/or altering, duplicating or destroying MVR recordings is prohibited, except for unauthorized personnel.

18. When reference is made to an MVR recorded event in a police report or supplement, the squad number of the squad which captured the event shall be noted in the report.

B. MVR System – Supervisor Responsibility

1. Supervisors shall ensure that officers follow established procedures for the use and maintenance of MVR equipment, videotapes, and the completion of MVR documentation.
2. Supervisors shall periodically view recorded media to ensure proper procedures are being followed.
3. Supervisors may review the contents of the MVR systems, as a management tool within their chain of command.

C. MVR Digital System

1. Every recorded event shall be appropriately categorized in order to ensure proper data retention guidelines are followed.
2. Recorded events will be categorized using the following categories. Only one (1) category can be chosen for each recorded event.
 - 90 day retention
 - Citation
 - Arrest or DUI
 - Use of Force
 - Significant Incident
3. MVR digital recorded events categorized as Arrest, Use of Force or Significant Incident shall be uploaded at designated upload sites by the officers assigned to the squad, prior to the end of their shift whenever possible.
4. When the display shows less than 4 gigabytes of available space, officers shall proceed to a designated upload site to upload recordings.

Body Worn Cameras

I. Purpose

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

- Enhance accountability and public trust by preserving a record of employee interaction with citizens.
- Capture digital audio-video evidence for criminal, civil, and traffic-related court cases.

- Assist employees by providing a record independent from their perceptions and recollections.
- Serve as a training tool for employee safety and best practices in the Floodwood Police Department.
- Assist in the assessment of contacts between employees and the public by reviewing procedures and interpersonal actions.

II. Definitions

Activation: Any process that causes the BWC system to record audio or video data. Activation will be done manually. Activation can only occur when the BWC is already powered on.

Authorized Personnel: Personnel designated by the Chief or Chief's designee, to manage data recorded by the BWC. Such management includes duplication, redaction and lawful destruction of data as required by law and the City of Floodwood Records Retention Policy.

Body Worn Camera (BWC): Portable audio-video recording equipment designed to be worn on a person.

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

CAD (Computer Aided Dispatch): CAD is the electronic system used to manage law enforcement 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, 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 Floodwood Police employee
- Death or Great Bodily Harm to an employee
- Death or Great Bodily Harm to a person who is in the custody or control of an employee
- Any action by an officer that causes or is intended to cause Death or Great Bodily Harm

Deadly Force: As defined by MN Statue Section 609.066, which states that: "Force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm other than a firearm loaded with less-lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force."

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

Designated Upload Site: Location where employees complete the task of uploading BWC recordings to a storage server through a PC using the SYNC program or through a docking station.

Employee: The term "employee" includes all sworn and non-sworn employees regardless of rank.

Great Bodily Harm: Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm.

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

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 BWC system prior to manual activation. This is configurable feature for the digital BWC 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 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).

III. Policy

A. Restrictions

1. Intimidation

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

2. Interactions Only with Employees

Employees shall not use the BWC to record interactions solely with or among other department employees, except in circumstances for which activation is appropriate in accordance with this policy.

3. Personal Use

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

4. Floodwood Police Department Equipment

Employees shall only use BWC's and BWC equipment authorized by the department.

5. Disabling or Interfering with BWC's

Disabling BWC equipment, intentionally interfering with audio or video recording capabilities, and altering, duplicating, deleting or destroying BWC recordings are prohibited, except by Authorized Personnel in the course and scope of their lawful job duties and in accordance with record retention laws and policies and

the provisions of this policy. Only the Chief or the Chief's designee can designate such Authorized Personnel.

6. Surveillance of Protected Activities

The BWC shall not be activated solely for the purpose of surveillance of, or identification of individuals engaged in constitutionally protected activities conducted in a lawful manner.

7. Facial Recognition

BWC data shall not be:

- a. Used to create a database or pool of mug shots.
- b. Used as fillers in photo arrays.
- c. Searched using facial recognition software. This does not prohibit the Floodwood Police Department from using facial recognition software to analyze the recording of a specific incident when an investigator has reason to believe that a specific suspect, witness, or person in need of assistance was recorded.

8. Use by Non-Employees

Employees assigned a BWC shall not permit any non-employees to use or wear the BWC.

B. Informing the Public that a BWC is in Use

1. When feasible, employees are encouraged to inform members of the public that they are being recorded.
2. If asked, employees should inform those inquiring that audio-video recording equipment is in use, unless doing so would be unsafe for the employees or members of the public.

C. Training

1. Employees shall complete department authorized training in the use and operation of the BWC's prior to being assigned a BWC.
2. Only those employees that have been issued a BWC and have received the department authorized training may operate a BWC.
3. All Floodwood Police Department employees who use the BWC data storage and access systems shall receive training on these systems and this policy, prior to being granted access.

D. Wearing and Using the BWC

1. Employees assigned a BWC shall use it in accordance with Floodwood Police Department training, Floodwood Police Department policies, and the manufacturer's recommendations.
2. Employees shall wear the BWC in accordance with Floodwood Police Department training, using mounting equipment provided by the Department.

- a. Employees shall wear the BWC facing forward on the outermost garment, in the chest area.

III. Employee Responsibilities

1. Charging the BWC's

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

2. Wearing and Powering on BWC's

a. In Uniform

Employees assigned a BWC and working in uniform shall wear the BWC and 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.

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

b. Plainclothes

- i. Employees do not need to wear the BWC during plainclothes operations in which displaying or indicating their status as a law enforcement employee would compromise the operation.
- ii. Investigators working in plainclothes who are assigned a BWC are not required to wear it during their on-duty shift except when executing a search warrant in the field or when ordered to by a supervisor.

c. Entering Centers for Domestic or Sexual Violence Victim Advocacy

Employees may power off their BWC's 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. Employees shall activate as needed in accordance with the section on Activation (including for interviews).

d. Legal Proceedings

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

3. Startup Checks

Employees 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 cameral 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 BWC Equipment*.

b. Once the BWC is activated for the Startup Check, the employee shall state the following information prior to deactivating:

- Name

- Badge Number
- Call Sign

4. Problems with the BWC Equipment

a. Employees 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).
- Loss of BWC battery power (including if the BWC does not maintain a charge for a full regularly assigned shift).

b. The notification to the supervisor must be made without unnecessary delay.

5. BWC's and Mobile Video Recording (MVR) Equipment

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

b. Employees wearing a BWC are not required to wear a MVR microphone.

6. Activation

a. Required Activation

Employees shall activate their BWC for the following circumstances:

- When dispatched or assigned to a call, activation shall occur at least two (2) city blocks away from the call for service location. If dispatched or assigned to a call less than two (2) city blocks away, activation shall occur immediately. This includes assisting squads.
- When self-initiating a call, as soon as possible and prior to contacting a person or exiting a squad.
- Prior to taking any law enforcement action.
- Prior to making an investigatory contact.
- When any situation becomes adversarial.
- Prior to assisting a citizen during in-person encounters, other than when providing basic verbal assistance (such as giving directions).
- When directed to activate the BWC by a supervisor.

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

- Any in-person contact. 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.
- Vehicle pursuits.
- Work-related transports not involving a ride-along or another City employee in their official capacity as a City employee.
- Any search, including but not limited to searches of vehicles, persons, and buildings. 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 Floodwood Police Department is already creating a recording through another approved method.
- Any use of force situation. If a BWC is not activated prior to a use of force, it shall be activated as soon as it is safe to do so.
- Any tactical entry or forced entry into a building.
- Supervisors responding to a scene.

b. Changing Situations

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

c. Strip Searches

- i. All strip searches shall be recorded by at least one (1) person 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.

d. Failure to Activate

- i. If there is a failure to activate the BWC or a late activation in any of the above situations, the employee shall document the reasons for the failure in the Police Report.
- ii. If a report will not be prepared, the reason(s) for the failure to activate shall be documented via added remarks in CAD, as soon as practicable.

If the employee does not have access to squad computer to enter added remarks directly, the employee shall contact St. Louis County Dispatch via radio or phone as soon as practical and request the reason(s) be added to the remarks in CAD.

e. Community Meetings

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

f. Phone Calls

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

g. Interviews with Crime Victims

i. If employees will be conducting an initial interview with a crime victim, employees should advise the victim the camera will be on and activated during the interview.

aa. If the victim raises concerns with the camera being activated, the employee can turn the camera away to record audio but avoid capturing the video.

ab. If the victim refuses to be interviewed with the camera on, the employee may deactivate or power off the camera to facilitate the interview.

ii. Employees 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).

iii. If the employee had their camera 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. Deactivation

a. Event Conclusion

Once activated, the BWC shall be left in record mode until the conclusion of the event. The conclusion of the event occurs when either the employee or citizen(s) have left the scene or a detention or transport has concluded.

i. If a transport involves a transfer of custody, the event is not concluded until the transfer is complete.

ii. When transporting arrestees to the St. Louis 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 may be deactivated in line with Jail policy. It should remain activated within the garage while Floodwood Police Department retains custody and should be reactivated at the intake door if custody is returned to the Floodwood Police Department (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).

iii. The BWC may be deactivated if an event has otherwise concluded but the employee remains at the scene to prepare reports or for another similar reason not involving a situation requiring activation.

b. Critical Incidents – Deactivation

All involved witness and escort employees in a Critical Incident shall leave their BWC's activated while on scene, until directed by the Incident Commander.

- i. Deactivation must be after the Public Safety Statement is completed, at a minimum.
- ii. When the BWC's have been deactivated in accordance with this section on Critical Incidents, employees may reactivate if they feel it is appropriate, and shall reactivate if otherwise required by the BWC policy.

c. Early Detection

i. Narration

- aa. If a BWC is deactivated prior to the conclusion of an event, employees shall describe the reason by narration prior to deactivation.
- ab. Supervisors deactivating to perform administrative functions shall describe the reason by narration prior to each deactivation or following deactivation.

ii. Documentation

- aa. If a Police Report will be prepared, the early deactivation and the reason shall also be documented in the employee's Police Report or statement in the Police Report.
- ab. If a Police Report will not be prepared, the reason for the early deactivation shall be documented via added remarks in CAD, as soon as practicable.
- ac. If the employee does not have access to a squad computer to enter added remarks directly, the employee shall contact St. Louis County Dispatch via radio or phone as soon as practical and request the reason(s) be added to the remarks in CAD.
- ad. Documentation shall begin with the following prefix: "BWC" followed by the reason for the documentation.
- ae. Supervisors are performing administrative functions may summarize their associated deactivations in any required documentation.

d. Accidental Deactivation

- i. If an accidental deactivation is discovered, the BWC shall be immediately reactivated.
- ii. The employee shall narrate the cause of the accidental deactivation as soon as practicable and shall follow the other reporting requirements for early deactivations.

e. Stabilized Events

Notwithstanding the above, once an event has been stabilized and if the employee 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 may be deactivated during activities such as:

- Monitoring assigned traffic posts.
- Then 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.).

f. Temporary Deactivation

When an event is still in progress, the BWC 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 section:

- To protect the identity of an employee in an undercover capacity or during a plainclothes operation.
- To protect the identity of a confidential informant.
- If a request is made for a BWC to be turned off by a party being contacted, the employee should take into account the overall circumstances and what is most beneficial to all involved, before deciding to honor the request. For example, an employee may choose to turn off the BWC if its operation is inhibiting a victim or witness from giving a statement. Factors to consider may include the type of call and the vulnerability of the victim, such as the victim of a sexual assault.
- When ordered to by a supervisor. Both the employee and supervisor shall document the reason for the deactivation as described in the Report Writing section of this policy.

8. Uploading and Classification

a. 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 employee's shift.

b. Upload a conclusion of shift.

Employees 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.

c. Classify events as appropriate.

Employees 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.

- Each category used for classification is assigned a status of *Public* (subject to review) or *Non-Public* (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).
- Data may be held longer than the stated retention period in accordance with litigation or other legal requirements and the section on BWC data retention.

d. Classification options.

The following classification options will be used:

(Subject to Review)

Category	Retention Period	Public Status
Training	1 year	Non-Public
Accidental Activation	90 Days	Non-Public
Startup Check	90 Days	Non-Public
Non-Evidence/General Recording	90 Days	Non-Public
Protected	1 year	Non-Public
Citizen Complaint	1 year	Non-Public
Evidence	7 Years	Non-Public
Use of Force – Other	7 Years	Non-Public
Use of Force – Substantial Bodily Harm	7 Years	Public
Police Discharge of a Firearm	7 years	Public
Significant Event *	Minimum 7 Years	Non-Public
Non-BWC Data	90 Days	Non-Public
Citizen Evidence	1 year	Non-Public
*Until Manually Deleted/Indefinite Retention (Minimum 7 years)		

i. Category guidelines.

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

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

Startup Check: This category should be used for the required BWC 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 citizen complaint. This category includes events such as general citizen 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 individuals 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 if the employee 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 in which use of force was captured, where the force resulted in injuries with substantial or greater bodily harm or death.

Police Discharge of a Firearm: This category should be used for all recordings in which a firearm discharge by an employee was captured, where a notice is required under MN Statue Section 626.553 Subd. 2.

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

- Critical incident
- 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 an employee 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 video recorded by Floodwood Police Department.

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

e. Case number required

i. Whenever a case number is generated from CAD, employees shall provide the associated case number in the “ID” field for all related BWC data.

ii. When entering the number, it shall be in the standard format of YY-xxxx (ex. 25-23456), The dash must be included and no other characters will be used.

f. Protected category requirement

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

g. Critical incidents – Uploading Data and Custody of BWC equipment

i. When Floodwood Police Department is the investigating agency, involved and witness employees shall maintain custody of their BWC equipment until Crime Lab personnel take custody of the equipment.

aa. Authorized Crime Lab personnel are responsible for ensuring any BWC recordings are properly uploaded.

ab. Once all uploads are completed, the assigned investigators are responsible for authorizing release of the BWC equipment to the employee or other appropriate personnel.

ii. When Floodwood Police Department is the investigating agency, all employees except involved and witness employees shall upload their BWC data as soon as possible, and no later than the conclusion of their shift.

iii. When investigation of the incident is transferred to another law enforcement agency, employees shall provide their BWC to the investigating agency.

aa. Uploading of the recordings and physical custody of the BWC will be coordinated with the Floodwood Police Department Chief and the outside investigating agency.

9. Report Writing

a. Data Access

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

b. Critical Incidents

i. To capture and document the employees' perceptions and recollections uninfluenced by outside sources involved and witness employees in Critical Incidents are prohibited from reviewing BWC data prior to making their initial Police Report or statement in the Police Report.

ii. If authorized by the Chief of Police to review BWC data after making their initial Police Report, employees may add an additional narrative text after review but shall not alter the initial report.

c. Incidents that are not Critical Incidents

In incidents that are not Critical Incidents, employees may review BWC data in accordance with the section [IV-D] relating to Access of BWC Data Request for Duplication of Recordings.

d. Items about BWC usage to include in Police Report

When a Police Report is made, employees 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 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 BWC equipment in either the recording or the uploading of the event.

III. Supervisor Responsibilities

1. Supervisors shall ensure that appropriate measures are taken when informed of any problems with BWC equipment. This includes ensuring replacement of problematic equipment.

2. Supervisors shall ensure that employees who report inoperable or damaged BWC are provided with a replacement as soon as possible.

3. Respond to the scene

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

i. For incidents not considered to be Critical Incidents

aa. If an incident occurs that involves substantial or great bodily harm or death, the supervisor shall ensure that employees upload the video as soon as practical following any necessary duties as part of the incident.

ab. The same requirements shall apply to any incident the supervisor deems may be a “high profile” incident.

b. 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 video as part of the review (including from witness employees).

IV. BWC Data Retention

1. Data will be maintained in a storage system designated and approved by the Floodwood Police Department.

a. All data will be backed up by the storage system vendor.

b. BWC video shall only be stored in a database that is CJIS compliant (such as evidence.com, One Drive and Share Point).

2. Data will be retained in accordance with applicable law, this policy, and the City of Floodwood Records Management Retention Schedule. Data may be retained past the scheduled retention period as required by MN Statute Section 13.825 Subd. 2-3.

V. Access to BWC Data and Requests for Duplication of Recordings

1. Permission required for system access

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

2. Documentation of access data

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

3. Requests for data

All BWC recordings are the property of the Floodwood Police Department and original BWC recordings shall remain the sole custody of the Floodwood Police Department, 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 I 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. Floodwood Police Department records policy

All recordings shall be handled in accordance with the Floodwood Police Department's policy.

b. Public requests and redaction

Public requests for BWC recordings shall be referred to the Records Information unit and will be considered in accordance with the Minnesota Government Data Practices Act or other applicable law.

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 Ace, including but not limited to MN Statute Section 13.825.

iii. All entities with access to BWC data are responsible for ensuring they only handle and release BWC data in accordance with MN Statute.

iv. Any necessary and lawful redaction or other editing of BWC recordings shall only be completed by Authorized Personnel in the course and scope of their lawful job duties and in accordance with record retention laws and policies and the provisions of this policy.

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 1.825 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. Floodwood Police Department personnel requests for duplication

Requests by Floodwood Police Department personnel for duplication of BWC data for purposes of official Floodwood Police Department business shall be directed to City Hall.

d. Outside agency requests for duplication

Requests by outside agencies for duplication of BWC data shall be directed to City Hall.

e. Sharing BWC recordings with public or employees

Employees shall not share BWC recordings with any member of the public or any Floodwood Police Department employee, unless it is required in the performance of their official duties and consistent with State and Federal law.

f. Sharing with partner agencies

Employees may share BWC data with a partner agency when:

- i. The BWC 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 BWC 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 Chief of Police.

5. Data access by employees or as evidence

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

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

6. Data access in Critical Incidents

Any Critical Incident, video and audio data shall not be accessed unless approved by the assigned investigating agency.

7. No duplication of data by recording devices

Employees are prohibited from using recording devices to duplicate BWC video or audio in any form, including cell phone or video cameras.

VI. Notice to Data Subjects

1. If a person brings an action in district court under MN Statute Section 13.825 Subd. 2, the Floodwood Police Department 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 Floodwood Police Department has retained a recording in accordance with MN Statute Section 13.825 Subd. 3 paragraph (c), the Floodwood Police Department 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 Floodwood Police Department 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.

VII. Uploading Non-BWC Data

For all video, audio, or photographic data uploaded to the storage system that was not video captured by a Floodwood Police Department issued BWC, employees 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, employees 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. 25-123456). The dash must be included and no other characters will be used.

VIII. Department-Issued Recording Devices

Employees shall only use department-issued recording devices, including but not limited to Body Worn Cameras, Mobile Video Recorders (MVR), and department-issued cell phones and digital cameras, to capture video, audio and photographic data.