



Effective: August 1, 2018	Policy Number: 18-XX	Replaced Policy Number: N/A	Page: 1
------------------------------	-------------------------	--------------------------------	------------

Contents

- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| I. Purpose                           | VII. Special Guidelines for Recording |
| II. Policy                           | VIII. Downloading and Labeling Data   |
| III. Scope                           | IX. Access to Body Worn Camera Data   |
| IV. Definitions                      | X. Department Use of Data             |
| V. Use and Documentation             | XI. Data Retention                    |
| VI. General Guidelines for Recording | XII. Data Classification              |

**I. PURPOSE:**

The use of body-worn cameras (BWCs) by Inver Grove Heights Police Department is intended to enhance the mission of the Department by documenting contacts between members of the Department and the public. BWC serves as an aide in balancing the demands for accountability, transparency, and privacy. Digital evidence captured by body-worn cameras (portable video recording systems) 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.

**II. POLICY:**

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

**III. 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 (dashcam) video recorders. The Chief of Police or their 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 of Police or their designee may also provide specific instructions or standard operating procedures for BWC use to officers assigned to specialized details, such as carrying out special assignments 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.

Effective:  August 1, 2018	Subject:  Body-Worn Camera  <b>DRAFT</b>	Page:  2
----------------------------------	--	----------------



#### IV. **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, MN Statute 13.01, et seq.
- B. Records Retention Schedule refers to the General Records Retention Schedule for the City of Inver Grove Heights.
- C. Body Worn Camera(s) refers to a portable recording system as defined in MN Statute 13.825, subd.1(b)(1) as a device worn by a peace officer that is capable of video and audio recording of the officer's activities and interactions with others or collecting digital multimedia evidence as part of an investigation.
- 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, 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 another person that results in great bodily harm or death to another person. A critical incident could include an officer use of force or deadly force encounter between a police officer and a member(s) of the public. A critical incident may also include an in-custody death of a person in 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 another, or at least one person directs toward another 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 unintentional 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 includes, but are not limited to, recordings made in station house locker rooms, restrooms, and recordings made while

Effective:  August 1, 2018	Subject:  Body-Worn Camera  <b>DRAFT</b>	Page:  3
----------------------------------	--	----------------



officers were engaged in conversations of a non-business or 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 providing departmentally approved on-duty or off-duty security/safety services.
- K. Brady-Giglio Impaired, means that a police officer has engaged in certain qualifying conduct that may necessitate disclosure as part of the prosecution or defense of a criminal defendant. A police officer deemed to have a Brady impairment shall have additional BWC use expectations as identified within this policy.

**V. 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 department-authorized police services. 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.
- C. 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.
- D. Officers shall wear their issued BWCs at the location on their body and in the manner specified in training or which maximizes viewable video images.
- E. 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 Computer-Aided Dispatch (CAD) 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 notify their immediate supervisor and fully document the circumstances and reasons for not recording in an incident report. Supervisors shall review these occurrences, initiate any corrective action, if necessary, and notify their command-level supervisor.

**VI. GENERAL GUIDELINES FOR RECORDING:**

- A. Uniform 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,

Effective:  August 1, 2018	Subject:  Body-Worn Camera  <b>DRAFT</b>	Page:  4
----------------------------------	--	----------------



- 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 Section V. E (2) (above).
- B. Except as otherwise directed, officers have discretion to record or not record incidental citizen contacts (see Brady-Giglio Section IV. K).
  - 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; improved the behavior of an involved person; or if it serves to de-escalate an encounter. If asked, officers are required to provide a factual response about recording.
  - 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 investigator 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 or as directed by a supervisory officer to capture information having evidentiary value.
  - E. All uniform 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 case investigator or on scene sergeant may direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value. Officers assisting the Dakota County Drug Task Force (DCDTF) or an outside law enforcement agency in the execution of a search warrant may be exempted from recording upon the request of the commanding officer of the DCDTF or the outside law enforcement agency with the approval of the Chief of Police or their designee.
  - 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 police personnel or personnel from any other City department when not engaged in law enforcement related activities, such as during pre- and post-shift time in locker rooms, during meal breaks, or during other private conversations.
  - H. No member of the department shall intentionally edit, alter, or erase any BWC recording unless otherwise expressly authorized by the Chief of Police or their designee, in writing.

Effective:  August 1, 2018	Subject:  Body-Worn Camera  <b>DRAFT</b>	Page:  5
----------------------------------	--	----------------



- 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 supervisory directive.
- J. An officer assigned to the role of school resource officer, shall not be required to activate their assigned BWC unless taking an enforcement action, interviewing or investigating a student(s) regarding an alleged offense, or engagement in a potentially adversarial encounter to the extent known. The school resource officer shall not record conversations with school staff regarding students, except when the school resource officer is taking a formal statement from a school staff member and the school staff member has been advised that they are being recorded.

**VII. 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, command-level staff, non-sworn community service officers, and reserve officers) 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 the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of-force incident.

**VIII. 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 shall take custody of the involved officer’s BWC as soon as practicable. If the incident is being investigated by an outside authority, the supervisor shall turn the involved officer’s BWC over to the investigating authority. Only after the supervisor or investigator is directed to by the investigating authority will data be transferred from the BWC to the designated storage location.
- 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:

Effective:  August 1, 2018	Subject:  Body-Worn Camera  <b>DRAFT</b>	Page:  6
----------------------------------	--	----------------



1. Arrest: To be used whenever a custodial arrest is made – primary or assisting officers.
  2. Traffic Citation (non-DWI): To be used for traffic citations not involving a custodial arrest.
  3. Use of Force – No arrest: 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 – no arrest: 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) in which the contact ends with a disposition of assist, advise, or warn.
  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 BWC recording captured will be of value to department training efforts. See Department Section X. D.
  10. Unintentional recording: See Definitions, part G. Officers labeling a file as such shall document the events or subject matter that was accidentally recorded on a form or in a manner specified by the department. These recordings may be purged by a command level staff member with proper administrative rights. The request to have unintentional footage purged shall be maintained to ensure the integrity of the records system.
  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 City's Retention Policy, 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 is a function limited to Command Staff and Records Unit personnel only.
- C. Labeling and flagging designations may be corrected or amended based on additional information by a ranking officer or their non-sworn (Records Unit) designee(s).

Effective:  August 1, 2018	Subject:  Body-Worn Camera  <b>DRAFT</b>	Page:  7
----------------------------------	--	----------------



**IX. ACCESS TO BODY WORN CAMERA DATA:**

- A. Access to BWC data shall be limited to the employee who captured the BWC recording, supervisory personnel and command level personnel, along with others deemed by the Chief of Police or their designee to have a “need to know” or “need to access,” such as case investigators and Records Unit personnel.
- B. Access to BWC data shall be managed in accordance with established city policy.
- C. Officers may access and view stored BWC recordings only when there is a clear and legitimate business need for doing so, including:
  - 1. To prepare a police report stemming from a call for service or officer-initiated police activity, including incidents that result in bodily harm or substantial bodily harm to another person during a police-citizen encounter.
  - 2. To prepare for court testimony.
  - 3. To prepare to give a statement to an internal affairs investigator.
- D. In the event of a critical incident resulting in great bodily harm or death, including an in-custody death, officers are prohibited from reviewing BWC footage before providing a voluntary statement to the investigating authority. If after providing a voluntary statement to the investigating authority, individual officers may elect to review their own BWC footage and provide clarifying information to critical incident investigators.
- E. Under rare exceptions and 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 MN Statute 13.82, subd. 15. 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 to, uploading BWC data recorded or maintained by this department onto social media or websites.
- G. Officers shall refer members of the media or public seeking access to BWC data to the City’s “responsible authority” and/or Chief of Police, 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 provided upon request after proper determination of the identity as a data subject. It shall be the policy of this department to 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.

Effective:  August 1, 2018	Subject:  Body-Worn Camera  <b>DRAFT</b>	Page:  8
----------------------------------	--	----------------



- I. BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

**X. DEPARTMENT USE OF DATA:**

- A. At least two times per month, supervisors will randomly review BWC recordings made by each officer they supervise to ensure the equipment is operating properly and being used in accordance with policy.
  1. As part of the officer's monthly review, supervisors shall document the date the review BWC recordings was reviewed along with any incident or case number information to identify any performance areas in which additional training or guidance may be required.
    - a) Officers may request a summary report detailing supervisory access to the officer's BWC recordings. The report will show the following; the number of reviews done for that officer, which supervisor is accessing that officers BWC recordings, and the noted reason for the access.
    - b) To ensure fairness, officers may also request a quantitative summary report that provides a comparison of supervisory data access for similarly situated officers (i.e. shift, team, etc.).
  2. During the supervisory review of officer BWC recordings, supervisors are strongly encouraged to identify, document, and commend excellence in service or superior police work observed in the BWC footage. The documentation should occur on the officer's monthly review.
  3. Sergeants and Commanders will submit documentation of their review to their respective supervisor. Any noted non-compliance with departmental policy pertaining to BWC use shall also be reported to the Chief of Police.
- B. At least two times annually, or upon the request of any department member subject to this policy, a Commander will conduct a system audit to ensure that BWC video review is equitably and fairly distributed across personnel. It should be noted that supervisory access to the video may be for reasons other than random review and shall be documented as such (i.e. response to a citizen complaint, internal investigation, investigatory review, etc.).
- C. This department will develop a report summarizing any occurrences of unauthorized access to BWC data. Statistical results of the audit shall be reported to the City Administrator and annually reported to the City Council.
- D. 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 only must be approved by the Chief of Police or their designee. 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.

Effective:  August 1, 2018	Subject:  Body-Worn Camera  <b>DRAFT</b>	Page:  9
----------------------------------	--	----------------



- E. Monthly, a Commander will conduct an audit of all submitted use of force reports by comparing an officer's use of force report with the BWC video(s) of the reporting officer(s). The reviewing Commander may include or involve the department's training sergeant or a trained and recognized use of force instructor. The reviewing Commander shall prepare a memorandum to the Chief of Police or their designee documenting their findings, including: any noted non-compliance with this policy; use of force outside of policy; training, coaching, or disciplinary actions required or recommended; and any other observations relevant to the efficient operation of the department.
- F. Any member of this department who is deemed to be non-compliant with, or in violation of, this policy may be subject to disciplinary action, up to and including, termination and criminal prosecution (see MN Statute 13.09).

**XI. DATA RETENTION:**

- A. Evidentiary data shall be retained for the period specified in the General Records Retention Schedule for the City of Inver Grove Heights. 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 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 or their designee, including the type of data and reason for deletion. A log shall be maintained of any and all administratively deleted video.
- 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's storage platform.

**XII. DATA CLASSIFICATION:**

- A. Outside of active criminal investigations (where data are generally confidential or protected nonpublic), BWC data is private or nonpublic data. Private data is accessible to the data subject.
- B. In accordance with MN Statute 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).

Effective:  August 1, 2018	Subject:  Body-Worn Camera  <b>DRAFT</b>	Page:  10
----------------------------------	--	-----------------



2. When use of force by a peace officer results in “substantial bodily harm” as defined in MN Statute 609.02, subd. 7a, “great bodily harm” as defined in MN Statute 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.
- C. With the approval of the Chief of Police, this department may make otherwise non-public data public data if that determination could aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest, consistent with MN Statutes, section 13.82, subdivision 15.

**DRAFT**