



MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER

BY ORDER OF THE CHIEF OF POLICE

DATE ISSUED: April 1, 2018	DATE EFFECTIVE: April 4, 2018	NUMBER: SO18-006	PAGE: 1 of 18
TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: Manual Revision – 4-223 Body Worn Cameras MP-8806			APPROVED BY: Chief Arradondo

**Introduction:** This policy is being updated based on statutory requirements, and to provide some additional clarity regarding camera activation and operation and oversight of the body worn camera program.

Effective with the issuance of this Special Order, Section 4-223 of the MPD Policy and Procedure Manual shall be amended as follows:

**4-223 BODY WORN CAMERAS (06/29/16) (07/29/17) (04/04/18)**  
**(A-D)**

**I. PURPOSE**

With the goal of enhancing accountability and public trust this policy will provide MPD 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 Minneapolis Police Department officers is to accomplish the following:

- Enhance accountability and public trust by preserving evidence of officer interaction with citizens.
- Capture digital audio-video evidence for criminal, civil and traffic-related court cases.
- Assist officers with recalling facts or other details captured by the equipment that will help them accurately articulate a chain of events when writing reports.
- Serve as a training tool for officer safety and best practices in the MPD.
- Assist in the assessment of contacts between officers 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 his or her 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 Minneapolis Records Retention Policy. Designated personnel may include, but is not limited to: Records Management Specialists, Crime Lab Personnel and Business Technology Personnel.

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

**Business Technology Unit (BTU):** The Business Technology Unit acts as a liaison between the MPD and Business Information Systems (BIS) and is responsible for the technological aspects of the BWC program, including device support and maintenance.

**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 resources in relation to calls for service.

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

**Critical Incident:** Per the Critical Incident Policy (P&P 7-810.01), a Critical Incident is an incident involving any of the following situations occurring in the line of duty:

- The use of Deadly Force by or against a Minneapolis Police 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:** As defined by Minn. Stat. §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 officers complete the task of uploading BWC recordings to a storage server through a PC using the SYNC program or through a docking station.

**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 for fixed installation in patrol vehicles that includes at a minimum: a camera, microphone, recorder and LCD monitor.

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

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

**Pre-Event Recording:** Video stored by the BWC system prior to manual activation. This is a 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.

**Quality Assurance Unit:** The Quality Assurance Unit identifies ways to improve operations, and ensures that all operations within the MPD are consistent and in accordance with the Mission, Values, Goals and Policies of the MPD and existing law. The Quality Assurance Unit is also responsible for oversight of the BWC program and ensuring policy adherence.

**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. 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.
2. Officers 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. Officers shall not use the BWC for personal use or for any other reason inconsistent with this policy.
4. Employees shall only use BWCs and BWC equipment authorized by the Department.
5. 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 his or her designee can designate such Authorized Personnel.

6. 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.

#### **B. Informing the Public that a BWC is in use**

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

#### **C. Training**

1. Employees shall complete department authorized training in the use and operation of the BWCs 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 MPD 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. Failure to Adhere to Policy**

Employees failing to adhere to this policy or applicable laws regarding the use of BWCs and any associated data, including but not limited to restrictions regarding accessing such data, will be subject to discipline, up to and including termination.

#### **E. Wearing and Using the BWC**

1. Officers assigned a BWC shall use it in accordance with MPD training, MPD policies, and the manufacturer's recommendations.
2. Officers shall wear the BWC in accordance with MPD training, using mounting equipment provided by the Department.
  - a. Officers shall wear the BWC facing forward on the outermost garment, in the chest area.
  - b. The Commander of the Technology and Support Services Division (who oversees BTU) may authorize additional mounting equipment options, and may authorize alternate camera mounts with different placements for specialized units or functions.

#### **F. BWC Program Responsibility**

1. The Business Technology Unit (BTU) is responsible for the technological aspects of the BWC program, including device support and maintenance.
2. The Quality Assurance Unit is responsible for oversight of the BWC program, and ensuring policy adherence.
3. Policy Review and Audit
  - a. The BWC program and any associated policy shall be reviewed as necessary, with any appropriate changes occurring as a result of input received.
  - b. The BWC program shall be independently audited in accordance with existing law.

#### **G. Duty to Report**

All employees are required to report misconduct or other violations in accordance with the Professional Code of Conduct policy (P&P 5-105) and the Internal Affairs Process chapter (P&P 2-100).

- H. The term “officer” is used generically in this document and includes all sworn officers regardless of rank and also includes all applicable non-sworn personnel.

### **IV. PROCEDURES/RULES/REGULATIONS**

#### **A. Officer Responsibilities**

1. Officers assigned a BWC shall keep it charged between shifts so that it is fully charged at the start of a shift.
2. Officers assigned a BWC 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. This also applies to officers working at a precinct front desk.
  - a. Plainclothes
    - i. Officers do not need to wear the BWC during plainclothes operations in which displaying or indicating their status as a police officer 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.
    - iii. When working in uniform, investigators assigned a BWC shall wear it in accordance with the rest of this policy.

- b. Officers may power off their BWCs when entering a center for domestic or sexual violence victim advocacy or assistance, as long as there will not be any interaction with a suspect.
    - c. Officers shall power off the BWC for any court-room proceeding, deposition or similar legal proceeding. Officers shall power on and activate the BWC if a situation requiring activation occurs.
  3. Officers 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 camera 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 officer shall state the following information prior to deactivating:
      - Name
      - Badge number
      - Call sign
4. Problems with the BWC Equipment
  - a. Officers shall directly notify their immediate supervisor as soon as practical of any missing, damaged, or malfunctioning BWC equipment, as well as a loss of battery power. The notification must be made without unnecessary delay.
  - b. Officers with BWC equipment problems shall continue service or take appropriate measures as directed by their supervisor.
    - i. Officers continuing service shall document that their BWC was not operational for the associated reason(s), in accordance with the Failure to Activate section.
  - c. As soon as practical, officers shall report the problems to BTU via email, and copy the supervisor who was notified of the problems.
5. BWCs and Mobile Video Recording (MVR) equipment
  - a. Officers equipped with a 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. Officers wearing a BWC are not required to wear an MVR microphone.
6. Activation
  - a. Officers shall activate their BWC for the following circumstances:

- i. When dispatched or assigned to a call, activation shall occur at least two city blocks away from the call for service location. If dispatched or assigned to a call less than two city blocks away, activation shall occur immediately. This includes assisting squads.
- ii. When self-initiating a call, as soon as possible and prior to contacting a person or exiting a squad.
- iii. Prior to taking any law enforcement action.
- iv. Prior to making an investigatory contact.
- v. When any situation becomes adversarial.
- vi. Prior to assisting a citizen during in-person encounters, other than when providing basic verbal assistance (such as giving directions).
- vii. 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 (including at a precinct front desk, during a business check or while on a foot beat) involving allegations of criminal activity, suspicious or unlawful behavior, a complaint of misconduct or another situation requiring activation. This includes any contact with a reporting person, victim, suspect or witness, subject to the exceptions listed in the deactivation section.
- Traffic stops.
- Suspicious Person stops.
- Suspicious Vehicle stops.
- Any vehicular response requiring emergency driving as defined by MPD P&P 7-402, or emergency response as defined by MPD P&P 7-403.
- 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 MPD 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. If a situation changes to require activation, the officer 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 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 officer shall document the reasons for the failure in the officer's report or supplement.
- 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 practical.
  - aa. If the officer does not have access to a squad computer to enter added remarks directly, the officer shall contact MECC via radio or phone as soon as practical and request the reason(s) be added to the remarks in CAD.
  - ab. Documentation shall begin with the following prefix: "BWC:", followed by the reason for the documentation.

- e. Community Meetings

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

- f. Phone Calls

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

## 7. Deactivation

- a. Once activated, the BWC shall be left in the record mode until the conclusion of the event. The conclusion of the event occurs when either the officer or citizen(s) has 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 Hennepin County Jail the transfer may be considered complete at the intake door from the secure garage (threshold of the person sally port) unless custody has been transferred prior to that point, and the BWC may be deactivated in line with Jail policy. It should remain activated within the garage while MPD retains custody and should be reactivated at the intake door if custody is returned to the MPD.
- iii. The BWC may be deactivated if an event has otherwise concluded but the officer 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 officers in a Critical Incident shall leave their BWCs 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 BWCs have been deactivated in accordance with this section on Critical Incidents, officers may reactivate if they feel it is appropriate, and shall reactivate if otherwise required by the BWC policy.

c. Early Deactivation

i. Narration

- aa. If a BWC is deactivated prior to the conclusion of an event, officers 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 reactivation.

ii. Documentation

- aa. If a report will be prepared, the early deactivation and the reason shall also be documented in the officer's report or supplement.
- ab. If a report will not be prepared, the reason for the early deactivation shall be documented via added remarks in CAD, as soon as practical.
- ac. If the officer does not have access to a squad computer to enter added remarks directly, the officer shall contact MECC 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 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 officer shall narrate the cause of the accidental deactivation as soon as practical, and shall follow the other reporting requirements for early deactivations.
- e. Notwithstanding the above, once an event has been stabilized and if the officer 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.
  - The incident or event is of such duration that it is necessary to deactivate the BWC to conserve power or storage.
  - When guarding suspects/arrestees at a hospital, if no other activation conditions are met (it must be activated if there will be contact with the suspect, if the suspect becomes combative, etc.).
- f. 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:
  - i. To protect the identity of an officer in an undercover capacity or during a plainclothes operation.
  - ii. To protect the identity of a confidential informant.
  - iii. When not in contact with a suspect, arrestee, victim or witness, officers may temporarily deactivate their BWC if it is necessary to discuss issues surrounding the incident with another employee or an outside agency, in private.
    - aa. This includes discussions between Field Training Officers with officers in training that are specific to training issues.
    - ab. If the BWC is deactivated per this clause, it must be reactivated prior to any contact with a suspect, arrestee, victim or witness, including any transportation.
  - iv. If a request is made for a BWC to be turned off by a party being contacted, the officer should take into account the overall circumstances and what is most beneficial to all involved, before deciding to honor the request. For example, an officer 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.

- v. When ordered to by a supervisor. Both the officer and supervisor shall document the reason for the deactivation as described in the Report Writing section of this policy.
- vi. During Operation 100s, only if the Incident Commander deems it necessary.

8. Uploading and Classification

- a. Officers 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.
- b. Officers 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.
- c. This classification should be done shortly after the recorded incident is concluded, but must be done prior to upload at the end of the officer’s shift.
  - i. Each category used for classification is assigned a status of Public (subject to review) or Nonpublic (subject to review), based on statutory requirements. Requests for data (including by data subjects) will be handled according to the section in this policy related to Data Requests (in accordance with the Government Data Practices Act and any other applicable laws).
- d. The following classification options will be used:

Category	Retention Period	Public Status (subject to review)
• Training	1 Year	Nonpublic
• Startup Check	1 Year	Nonpublic
• Petty Misdemeanor	1 Year	Nonpublic
• Non-Evidence/General Recording	1 Year	Nonpublic
• Protected	1 Year	Nonpublic
• Citizen Complaint	3 Years	Nonpublic
• Arrest/Evidence	7 Years	Nonpublic
• Use of Force- Other	7 Years	Nonpublic
• Use of Force- Substantial Bodily Harm	7 Years	Public
• Police Discharge of a Firearm	7 Years	Public
• Significant Event	*Min 7 Yrs	Nonpublic
• Non-BWC Data	1 Year	Nonpublic

\* Until Manually Deleted/Indefinite Retention (Minimum of 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.

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

**Petty Misdemeanor:** This category should be used for all recordings associated with a Petty Misdemeanor citation, including recordings such as witness statements or other related evidence.

**Non-Evidence/General Recording:** This category should be used for recordings not associated with a citation or arrest. 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.

**Arrest/Evidence:** This category should be used for all recordings associated with any Misdemeanor or higher offense (including any Misdemeanor Citation). This includes any arrest, and 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 Statute Section 626.553 Subd. 2.

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

- Critical Incident;
- 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 officer 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 MPD.

- e. Whenever a case number is generated from CAD, officers shall provide the associated case number in the “ID” field for all related BWC data.
  - i. When entering the number, it shall be in the standard format of YY-xxxxxx (ex. 16-123456). The dash must be included and no other characters will be used.
- f. If the Protected category is applied, the officer shall also add “PROTECTED” at the beginning of the Title field.
- g. Critical Incidents- Uploading Data and Custody of BWC equipment
  - i. Involved or Witness Officers shall maintain custody of their BWC equipment until Crime Lab personnel take custody of the equipment.
    - aa. In the event that any officers will be photographed as part of the Critical Incident protocol (see P&P 7-810), officers shall leave BWC equipment on their uniform until photographs are completed.
    - ab. Authorized Crime Lab personnel are responsible for ensuring any BWC recordings are properly uploaded.
    - ac. Once all uploads are completed, the assigned investigators are responsible for authorizing release of the BWC equipment to the officer or other appropriate personnel.
    - ad. In the event that Crime Lab personnel are unable to take custody of the BWC, the on-scene investigators shall coordinate custody of the BWC and uploading of the video.
  - ii. All officers except Involved or Witness officers 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, officers shall provide their BWC to the investigating agency.
    - aa. Uploading of the recordings and physical custody of the BWC will be coordinated with assigned MPD investigators and the outside investigating agency.

## 9. Report Writing

- a. To ensure the accuracy of reports, an officer should review audio and video data before making a report or statement.
- b. An officer shall document the following in his or her 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.

#### 10. Off-Duty

- a. Officers assigned a BWC shall use it during off-duty work and shall comply with the BWC policy.
- b. BWC use is allowed only for approved off-duty jobs within the City of Minneapolis, and only while wearing the MPD uniform.
- c. Uploading BWC data from off-duty shifts
  - i. Any audio/visual data regarding a use of force by or against an officer, or data that may be evidence in a criminal case, shall be uploaded in the same manner as if the data had been collected while on duty.
  - ii. All other BWC data recorded during off-duty work shall be uploaded by the start of the next on-duty shift, as long as the shift begins within 48 hours of the off-duty shift's conclusion. If the next on-duty shift will begin more than 48 hours later the BWC data shall be uploaded at the conclusion of the off-duty shift.
- d. Officers shall not use MPD-issued BWCs while working for another law enforcement agency.

#### **B. Supervisor Responsibilities**

1. Supervisors shall ensure that officers follow established procedures for the use and maintenance of BWC equipment and the completion of BWC documentation. This includes the review of BWC recordings and usage data to ensure proper procedures are being followed.
  - a. The MPD Quality Assurance Unit will establish minimum standards for the review of BWC recordings and usage data. Supervisors shall conduct reviews of BWC recordings and usage data in accordance with these standards.

- b. Precinct or Division Commanders may also direct their assigned personnel to conduct additional reviews of BWC recordings and usage data that exceed the standards established by the MPD Quality Assurance Unit.
2. Problems with the BWC Equipment
  - a. Supervisors shall ensure that appropriate measures are taken when informed of any problems with BWC equipment. This includes notification to BTU of the situation, replacing the camera in question (when possible), and making any necessary reports.
  - b. When informed of problems with BWC equipment, the supervisor shall determine if the officer should continue service or remove themselves from service for BWC maintenance.
  - c. Supervisors shall ensure an officer who is continuing service with BWC equipment problems (including loss of battery power) documents the BWC problems according to the Problems with BWC Equipment and Failure to Activate sections under Officer Responsibilities.
3. Supervisors shall respond to the scene of an incident that requires immediate retrieval of recordings and ensure appropriate uploading procedures are followed.
  - a. For incidents not considered to be Critical Incidents:
    - i. If an incident occurs that involves substantial or great bodily harm or death, the supervisor shall ensure that officers upload the video as soon as practical following any necessary duties as part of the incident.
    - ii. The same requirements shall apply to any incident the supervisor deems may be a “high profile” incident.
  - b. For Critical Incidents, equipment and uploading shall be handled according to the Uploading and Classification Critical Incident section.
4. When conducting force reviews, supervisors shall view any pertinent BWC video as part of the review (including from witness officers).

### **C. BWC Data Retention**

1. Data will be maintained in a storage system designated and approved by the Department. All data will be backed up by the storage system vendor.
2. Data will be retained in accordance with applicable law, this policy and the City of Minneapolis records management retention schedule. Data may be retained past the scheduled retention period as required by MN Statute Section 13.825 Subd. 2 and Subd. 3.

### **D. Access to BWC Data and Requests for Duplication of Recordings**

1. Access to the department authorized storage system shall only be granted with written permission from the Commander of the Technology and Support Services Division (who oversees BTU), and only for a legitimate, specified law enforcement purpose.
  - a. Such permission must include the level of access to be granted to the individual, and any other restrictions that should be placed on the access.
  - b. BTU will periodically review the user access list to ensure that access levels are appropriate and have been duly authorized.
2. 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. All BWC recordings are the property of the MPD and original BWC recordings shall remain in the sole custody of the MPD, unless necessary for the preparation of civil, criminal or administrative matters, used in court as evidence, provided to an expert for analysis, provided to another law enforcement agency in the scope of their investigation, if required to be provided to another by lawful order or as may otherwise be required by the Minnesota Government Data Practices Act or other applicable law.
  - a. All recordings shall be handled in accordance with the Department's records policy (P&P 4-501).
  - b. 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 Act, including but not limited to MN Statute Section 13.825.
    - iii. All entities with access to the 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 13.825 Subd. 2.



- ab. If a data subject requests that data or requests that it be made public, data on other subjects will be redacted as required by MN Statute Section 13.825, where applicable.
    - ac. The original recording shall remain intact and stored within the department authorized storage system in accordance with record retention laws and policies.
  - c. Requests by MPD personnel for duplication of BWC data for purposes of official MPD business shall be directed to the Records Information Unit.
  - d. Requests by outside agencies for duplication of BWC data shall be directed to the Records Information Unit.
  - e. Officers shall not share BWC recordings with any member of the public or any MPD employee, unless it is required in the performance of their official duties and consistent with State and Federal law.
4. In no event shall any recording be used or shown for the purpose of ridiculing, embarrassing or intimidating any person.
  5. Recorded data may only be replayed or displayed for training purposes with the approval of the Deputy Chief of Professional Standards. Nothing herein prohibits Leadership and Organizational Development Staff from having access to BWC recording for the purpose of planning training.
  6. 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 officer
    - In situations where evidence of officer 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; or
    - Any other purpose authorized under this policy and consistent with State and Federal law.
  7. In any Critical Incident, video and audio data shall not be accessed unless approved by the assigned investigating agency.
  8. Employees are prohibited from using recording devices to duplicate BWC video or audio in any form, including cell phones or video cameras.

#### **E. Notice to Data Subjects**

1. If a person brings an action in district court under MN Statute Section 13.825 Subd. 2, the MPD shall give notice to any data subjects in the video in question who did not receive notice from the person bringing the action, if known.

2. If the MPD has retained a recording in accordance with MN Statute Section 13.825 Subd. 3 paragraph (c), the MPD shall notify the requester after the time period is up that the recording will then be destroyed unless a new request is made under that paragraph.
3. If the MPD discovers or is notified of a breach in the security of the data, data subjects, if known, will be notified in accordance with MN Statute Section 13.055, Subd. 2.

#### **F. Uploading Non-BWC Data**

For all video, audio or photographic data uploaded to the storage system that was not video captured by an MPD-issued BWC, officers 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, officers shall provide the associated case number in the “ID” field for all related data.
  - a. When entering the number, it shall be in the standard format of YY-xxxxxx (ex. 16-123456). The dash must be included and no other characters will be used.