

Glencoe Police Department
Polices/rules/Procedures

POLICY NUMBER: 119.A

POLICY TITLE: BODY WORN CAMERAS (BWCs)

SECTION: ADMINISTRATION

Purpose

This policy is intended to provide officers with instruction on when and how to use body worn cameras (BWCs) so that they may reliably record their contacts with the public in accordance with the law.

Policy

It is the policy of the Glencoe Police Department that officers shall activate the BWC when such use is appropriate in the proper performance of his or her official duties, where the recordings are consistent with this policy and the law. Use of recorders is intended to enhance the Department's mission by accurately documenting contacts between officers of the Department and the public. This policy does not govern the use or surreptitious recording devices used in investigative or undercover operation.

DEFINITIONS

- (a) **Activate** - Any process that causes the BWC system to transmit or store audio-visual signals.
- (b) **Evidence.com** - The online web-based digital media storage facility. The virtual warehouse stores digitally-encrypted data (photographs, audio and video recordings) in a highly secure environment. The digital recordings are accessible to authorized personnel based upon a security clearance and maintains an audit trail of user activity.
- (c) **MGDPA** - The Minnesota Government Data Practices Act, Minn. Stat. Chapter 13.
- (d) **Body-Worn Cameras (BWC)** - This refers to any system that captures audio and video signals that is individually worn by officers.
- (e) **BWC Administrator** - Designated personnel certified or trained in the operational use of BWC storage and retrieval methods and procedures who assigns, tracks and maintains BWC equipment, oversees needed repairs or replacement equipment through the vendor, controls user rights and access, and acts as a liaison with the vendor. Also responsible for the training of law enforcement operators on the use of the BWC.
- (f) **Recorded Media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

BODY-WORN CAMERA OBJECTIVES

The Glencoe Police Department has adopted the use of BWCs to accomplish the following objectives:

- (a) To enhance officer safety.
- (b) To document statements and events during the course of an incident.
- (c) To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- (d) To preserve audio and visual information for use in current and future investigations. (e) To provide a tool for self-critique and field evaluation during officer training.
- (e) To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of audio-video recordings.
- (f) To assist with the defense of civil actions against Glencoe Police Officers and the City of Glencoe.
- (g) To assist with the training and evaluation of officers.

OFFICER RESPONSIBILITIES

Officers who are issued a BWC, as part of their uniform, shall wear and activate the BWC consistent with this policy. Prior to going into service each officer will properly equip him/herself to record audio and video in the field. The exception is if the officer's BWC system is not functioning and a Supervisor and BWC administrator have been notified.

At the start of each shift, officers will confirm the BWC system is operational in accordance with manufacturer specifications and department operating procedures and training.

During their shift, officers will follow the established policies and procedures for documenting, categorizing and retaining any recorded media.

Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the officer should promptly notify a supervisor of the existence of the recording.

Malfunctions, damage, loss or theft of BWC equipment shall immediately be documented and reported to a Supervisor and BWC administrator.

BWC shall not be worn while officers are engaged in outside agency employment, unless previously authorized by the Chief of Police.

SUPERVISOR RESPONSIBILITIES

Supervisors shall ensure officers are using their BWC equipment per policy.

Supervisors shall randomly review BWC recordings of their officers to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

Supervisors should determine corrective action for non-functioning BWC equipment. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings), a supervisor shall respond to the scene and ensure that the BWC is properly uploaded.

ACTIVATION OF THE BWC

Minnesota law permits an individual to record any conversation in which one party to the conversation has given his/her permission (Minn. Stat. § 626A.02).

The BWC system will be used to document events and the media recordings are to be preserved in a web based digital storage facility. If no recording is made, the officer shall document and explain why their BWC was not activated.

REQUIRED ACTIVATION OF THE BWC

This policy is not intended to describe every possible situation in which the BWC system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

All self-initiated activity in which an officer would normally notify the McLeod County communication Center.

At no time is an officer expected to jeopardize his/her safety in order to activate the BWC.

I. When and How to Use the BWC and In Car Audio/Video Recording System

1. With the implementation of the BWC system, each officer will continue to wear the audio microphone of the In squad audio/video recording system.
2. The In Car Audio/Video Recording System shall be activated for all emergency driving situations and traffic stops. The In Car Audio/Video Recording System's back seat camera shall be activated any time someone is placed in the back seat.

II. When and How to Use the BWC

1. For each officer issued a BWC system, it is the individual officer's responsibility to ensure that the equipment is in proper working order. If it is not, notify the Supervisor and BCW Administrator immediately.
2. Officers shall activate the BWC to record all contacts with citizens and prior to arriving at all in-person calls for service. The department recognizes that due to the spontaneous nature of some police-public encounters, it may be impractical, unreasonable, or unsafe to immediately activate the BWC. In those cases, officers shall activate their BWC at the first reasonable opportunity. Once activated, the BWC shall remain activated for the duration of the event.
3. If an officer fails to activate the BWC, or fails to record the entire contact, or interrupts the recording, the officer shall notify his or her supervisor in writing with an explanation.
4. The BWC and all data, images, video, and metadata data captured, recorded, or otherwise produced by the equipment is the sole property of the Glencoe Police Department.
5. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his or her designee.
6. Officers are encouraged to inform their supervisor of any recordings which may be of value for training purposes.
7. Requests for deletion of portions of the recordings (e.g., inadvertent personal recordings) must be submitted in writing and approved by the Chief of Police or his or her designee in accordance with state record retention laws. All requests and final decisions will be kept on file.
8. Officers shall note in ICR/CAD report when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

CESSATION OF RECORDING

Once activated the BWC system shall remain on continuously until the officer's direct participation in the incident is complete or the situation no longer fits the criteria for activation.

Recording may be temporarily ceased to exchange information with other officers. The reason to cease and resume recording will be noted by the officer either verbally on the BWC or in a written report.

Formal statements recorded on the BWC shall be recorded as separate recordings. Recordings shall be categorized, titled and ID'd in accordance with established policies and procedures.

WHEN ACTIVATION IS NOT REQUIRED

Activation of the BWC system is not required:

- (a) During encounters with undercover officers or informants.
- (b) When an officer is on break or is otherwise engaged in personal activities.
- (c) In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room or break room.
- (d) When not in service or actively on patrol.
- (f) Officers will try to avoid recording videos of persons who are nude or when sensitive human areas are exposed.

PROHIBITED USE OF RECORDERS

- a) Intentional interference with the BWC system is strictly prohibited.
- b) Members shall not intentionally record another department member without a court order unless lawfully authorized by the Chief of Police, or authorized designee, for the purpose of conducting a criminal investigation.
- c) Officers are prohibited from using department-issued BWC equipment for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.
- d) There shall be no audio or video recordings made in any court of law, unless authorized by a judge (Minn. Court Rule 4, General Rules of Practice).

REVIEW OF RECORDINGS

- a) All recordings are the property of the Glencoe Police Department and subject to the provisions of the MGDPA. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required under the MGDPA, Peace Office Discipline Procedures Act (Minn. Stat. § 626.89), or other applicable law.
- b) Supervisors are authorized to review recordings whenever such recordings would be beneficial in reviewing the officer's performance or actions.
- c) Officers are authorized to access not public (confidential or private) BWC Data for legitimate law enforcement purpose, including but not limited to report writing. Nothing in the policy restricts an officer from reviewing BWC Data created by the BWC issued to and operated by the officer, excepting authorized administrative lockdown. (**See also Administering Access to BWC Data**).
- d) Officers involved in a Critical Incident may view or listen the BWC Data of the incident only after:
 1. The officer has met with the Minnesota Public Employee Association representative or legal counsel, if requested and
 2. The officer and legal counsel have met with the investigative entity or designee regarding the investigative process to ensure the integrity of the investigative entity's Critical Incident investigation: including but not limited to investigations / incidents where serious injury or death results during police custody or involvement. (**See also Administering Access to BWC Data**).

- e) An investigating officer assigned to a related criminal investigation may review BWC Data relevant to their investigation. **(See also Administering Access to BWC Data).**
- f) Nothing in this policy limits or prohibits the use of BWC Data by the department to evaluate alleged misconduct or as a basis for discipline.
- g) Officers may not copy or record BWC Data with smart phones, video cameras, or any other means.
- h) Supervisors may not access or review BWC Data for the purpose of surveillance of any employee. However, BWC Data may be accessed by a supervisor investigating a complaint of misconduct. A complaint of misconduct may include any allegation of improper procedure or misconduct, from an informal allegation or question to a formalized internal affairs complaint.
- i) Officers needing to access BWC Data from another officer's BWC must make a request to their supervisor to access data from another officer's BWC. Requests may be granted only for a legitimate purpose relating to employment, such as the need to complete a report.
- j) Response to Resistance or Aggression Review: BWC Data may be accessed as part of the department's review of officer response to resistance or aggression. Only supervisors and department personnel who have the responsibility to review a response to resistance or aggression may access BWC Data pertaining to the incident.
- k) Pursuit Review: BWC Data showing a vehicle pursuit may be accessed by supervisors and department personnel who have the responsibility to review the incident. **(See also Administering Access to BWC Data).**
- l) Showing BWC Data to Witnesses: Officers may display portions of BWC Data to witnesses as necessary and only for purposes of investigation as allowed by Minnesota Statutes section 13.82, subdivision 15, which states this is allowable to "aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest." **(See also Administering Access to BWC Data).**
- m) The Police Chief or designee may display portions of BWC Data to witnesses as necessary for purposes of investigation, to "aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest" as allowed by Minnesota Statutes section 13.82, subdivision 15.

RECORDED FILES ALSO BE REVIEWED

- (a) To assess proper functioning of BWC systems.
 - (b) By court and prosecutorial personnel through proper process or with permission of the Chief of Police or Police Captain.
 - (c) To assess possible training value.
 - (d) Officers will be notified if their recordings may be shown for staff or public safety training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Police Chief to determine if the training value outweighs the officer's objection.
 - (e) Citizens will not typically be allowed to review the recordings; however, a Supervisor may authorize the video recording to be viewed by the citizens at the scene in order to mitigate possible complaints or as part of an investigation.

Members shall document in the Post Note field of Evidence.com the purpose for accessing any recorded file. This documentation is to clarify the reason for viewing the recording when developing the audit trail.

In no event shall any recording be used or shown for the purpose of ridiculing, embarrassing or intimidating any employee; this includes submission of any portion of a video recording to a media organization.

DOCUMENTING BWC

If any incident or video statements are recorded with the BWC system, the existence of that recording shall be documented in the officer's report.

RECORDING MEDIA STORAGE AND INTEGRITY

At the end of their shift, officers shall place the BWC into the docking station. This will allow the data to be transferred from the BWC through the docking station to Evidence.com. The data is considered impounded at this point and the BWC is cleared of existing data. The BWC should not be removed from the docking station until the data has been uploaded and the battery has been fully recharged.

COPIES OF RECORDING MEDIA

Evidentiary copies of digital recordings will be accessed and copied from Evidence.com for official law enforcement purposes only. Access rights may be given to the McLeod County Attorney, the Glencoe City Attorney, or other prosecutorial agencies associated with any future prosecution arising from an incident in which the BWC was utilized.

Officers shall ensure relevant recordings are preserved. Officers or BWC administrators may prevent automatic deletion by changing the category of the media at any time prior to deletion.

SYSTEM OPERATIONAL STANDARDS

- a) BWC system use should be based on officer safety requirements and device manufacturer recommendations.
- b) The BWC system should be configured to minimally record for 30 seconds prior to activation.
- c) For each digital recording, officers shall select the proper category: no action taken, report, traffic stop, accidental recording, officer injury, training, critical incident, administrative (supervisor only), permanent retention (admin use only).
- d) For each digital recording (except for accidental recording), officers shall enter an ID number as the 8-digit ICR number (e.g. 17001234)
- e) For each digital recording (except for accidental recording), officers shall enter a descriptive title as titled in CAD/RMS.
- f) Digital recordings shall be retained according to the Department's retention schedule or as required by the rules of evidence, unless a specific request is made to store them for a longer period of time by an authorized person.
- g) Officers shall not attempt to delete, alter, reuse, modify or tamper with BWC recordings.

BWC ADMINISTRATOR RESPONSIBILITIES

The BWC administrator is responsible for deleting media:

- (a) Pursuant to a court order.
- (b) In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (c) In instances where privacy issues are noted.
- (d) Ordering, issuing, retrieving and storing all BWC equipment.
- (e) Logs reflecting BWC equipment assignments, serial number, the date it was issued, and the officer to which it was issued.

ADMINISTRATING ACCESS TO BWC DATA

A. Data subjects: Under Minnesota law, the following are considered data subjects for purposes of administering access to BWC data:

1. Any person or entity whose image or voice is documented in the data.
2. The officer who collected the data.

3. Any other officer whose voice or image is documented in the data, regardless of whether that officer is or can be identified by the recording.
- B. BWC data is presumptively private.** BWC recordings are classified as private data about the data subjects unless there is a specific law that provides differently. As a result:
 1. BWC data pertaining to people is presumed private, as is BWC data pertaining to businesses or other entities.
 2. Some BWC data is classified as confidential (see C. below).
 3. Some BWC data is classified as public (see D. below).
 4. Nothing in this policy shall be interpreted as changing the underlying classification of data collected by the BWCs. The classification of data collected by BWCs will need to be determined on a case-by-case basis upon application and interpretation of the MGDPA and other laws.
- C. Confidential data.** BWC data that is collected or created as part of an active criminal investigation is confidential. This classification takes precedence over the “private” classification listed above and the “public” classifications listed below.
- D. Public data.** The following BWC data is public:
 1. Data documenting the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous.
 2. Data that documents the use of force by a peace officer that results in substantial bodily harm.
 3. Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any data subject (other than a peace officer) who has not consented to the public release must be redacted. In addition, any data on undercover officers must be redacted.
 4. Data that documents the final disposition of a disciplinary action against a public employee.

However, if another provision of the Data Practices Act classifies data as private or otherwise not public, the data retains that other classification. For instance, data that reveals protected identities under Minn. Stat. § 13.82, subd. 17 (e.g., certain victims, witnesses, and others) should not be released even if it would otherwise fit into one of the public categories listed above.
- E. Access to BWC data by non-employees.** Officers shall refer members of the media or public seeking access to BWC data to the Chief of Police or his or her designee who shall process the request in accordance with the MGDPA and other governing laws. In particular:
 1. An individual shall be allowed to review recorded BWC data about him- or herself, but access shall not be granted:
 - a. If the data was collected or created as part of an active investigation.

- b. To portions of the data that the agency would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minn. Stat. § 13.82, subd. 17.
 - 2. Unless the data is part of an active investigation, an individual data subject shall be provided with a copy of the recording upon request, but subject to the following guidelines on redaction:
 - a. Data on other individuals in the recording who do not consent to the release must be redacted.
 - b. Data that would identify undercover officers must be redacted.
 - c. Data on other officers who are not undercover, and who are on duty and engaged in the performance of official duties, may not be redacted.
- F. **Access by peace officers and law enforcement employees.** No employee may have access to the department's BWC data except for legitimate law enforcement or data administration purposes:
- 1. Officers may access and view stored BWC video only when there is a business need for doing so, including the need to defend against an allegation of misconduct or substandard performance. Officers may review video footage of an incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about the incident.
 - 2. Critical Incident: Officer involved in a critical incident may view or listen to the BWC data of the incident only after:
 - a. The Officer has met with their legal counsel, if requested and
 - b. The Officer and legal counsel have met with the investigative entity or designee regarding the investigative process to ensure the integrity of the investigative entity's Critical Incident investigation: including but not limited to incidents where serious injury or death results during police custody or involvement.
 - 3. Agency personnel shall document their reasons for accessing stored BWC data at the time of each access. Agency 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 agency to public and social media websites.
 - 4. 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.
 - 5. Pursuit Review: BWC data showing a vehicle pursuit may be accessed by supervisors and department personnel who have the responsibility to review the incident. BWC data showing an accident may be disclosed to the Accident Review Committee.

G. **Other authorized disclosures of data.** Officers may display portions of BWC footage to witnesses as necessary for purposes of investigation as allowed by Minn. Stat. § 13.82, subd. 15, as may be amended from time to time. Officers should generally limit these

displays in order to protect against the incidental disclosure of individuals whose identities are not public. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio but not displaying video. This disclosure may only occur with authorization from the Chief of Police or his or her designee. In addition,

1. BWC data may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented in writing at the time of the disclosure.
2. BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

Nothing in this policy shall be interpreted as changing the underlying classification of data collected by BWC system. The classification of data collected by BWC system will need to be determined on a case-by-case basis upon application and interpretation of the MGDPA and other laws.

SANCTIONS FOR MISUSE OF RECORDED MEDIA

Any member misusing recorded media for any reason other than official law enforcement purposes will be subject to disciplinary action.

The Chief of Police, or designee, shall meet with the person who is alleged to have violated the policy and determine appropriate sanctions, which may include any or all of the standard discipline policies currently in place at the Glencoe Police Department including verbal reprimand, written reprimand, suspension or termination. Intentional misuse of recorded media is a serious violation. If criminal behavior is believed to have occurred, appropriate agencies will be notified for further investigation. The specific situation in each case of misuse of recorded media will be looked at with all circumstances considered when determining disciplinary actions. Consideration will be given to the extent of the loss or injury to the system, agency, or other person upon release or disclosure of sensitive or classified information to an unauthorized individual.

TRAINING

Users of the BWC system and supervisors shall successfully complete an approved course of instruction prior to being deployed. This training shall be documented by the designated trainer.