

MINNEAPOLIS PARK POLICE
DEPARTMENT

BY ORDER OF THE CHIEF OF POLICE

SPECIAL ORDER 2023-09



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TO: All Park Police Staff			RETENTION DATE: Until Rescinded
SUBJECT: Body Worn Camera Policy Update			APPROVED BY: Chief J.R. Ohotto

Effective with the issuance of this Special Order, the MPPD Body Worn Camera Policy shall be amended as follows:

**BODY WORN CAMERAS (11/1/17) (10/22/18) (10/10/19) (7/2/2020) (3/9/2021) (12/20/2023)
(A-D)**

I. PURPOSE

With the goals of documenting and collecting evidence, as appropriate under the circumstances, this policy will provide Minneapolis Park Police Department (MPPD) personnel with procedures for the use and management of Body Worn Camera (BWC) equipment. In addition, it will provide guidance for the access, retention, storage, and retrieval of Recorded Media captured by BWC equipment. As noted below, there may be occasions to depart from procedures identified in this policy at the discretion of the Minneapolis Park Police Department. *See Section III-A-8.* The purpose of BWC equipment use by Minneapolis Park Police Department Officers is to accomplish the following:

- Enhance accountability and public trust by preserving a record of Officer interaction with citizens.
- Capture digital audio-video evidence for criminal, civil and traffic-related court cases.
- Assist Officers by providing a record independent from their perceptions and recollections.
- Serve as a training tool for Officer safety and best practices in the MPPD.
- 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 Park Police Chief or the Park Police Chief's designee, to manage data recorded by the BWC. Such management includes duplication, redaction and lawful destruction of data as required by law and the MPRB Records Retention Policy. Designated personnel may include, but is

not limited to: Park Police supervisors, Park Police administrative staff, or other designated personnel as required.

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

BWC Coordinator: A Park Police supervisor, designated by the Park Police Chief, responsible for the issuance, maintenance, and repair of Body Worn Cameras. This supervisor will also be responsible for oversight of the BWC program, ensuring policy adherence, and quality control/assurance.

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: A Critical Incident is defined as an incident involving any of the following situations occurring in the line of duty ¹ :

- The use of Deadly Force by or against a Minneapolis Park 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 MN 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.

Employee: Any individual employed by the Minneapolis Park and Recreation Board.

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.

¹ The Minneapolis Park & Recreation Board and The Police Officers’ Federation of Minneapolis Labor Agreement, January 1, 2022 through December 31, 2024, Section 27.05 subd.a (p.50).

Mobile Video Recorder (MVR): Audio and video recording equipment designed for fixed installation in patrol vehicles that includes at a minimum: a camera, microphone, and data storage system.

Officer: Any licensed peace officer, employed by the Minneapolis Park and Recreation Board, regardless of their rank.

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 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.

Public Safety Statement: A mandatory statement from the Involved Officers which provides information necessary to ensure public safety. This may include questions about the direction in which the Involved Officer fired his/her firearm, injured people, location of dangerous weapons and/or information on any suspects still at large.

Record Mode: When the BWC is recording both audio and video as a result of activation.

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

III. POLICY

A. Restrictions

1. Intimidation
 - a. The BWC shall not be used for the purpose of intimidating or discouraging an individual from observing police activity, making appropriate inquiries to the police, or making a complaint.
 - b. In no event shall any recording be used or shown for the purpose of ridiculing, embarrassing or intimidating any person.
2. 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 not use any personally-owned recording device to capture audio, video or photographic data. Only devices issued by the department are authorized for such use.
5. Employees shall only use BWCs and BWC equipment authorized by the Department.
6. Disabling BWC equipment, intentionally interfering with audio or video recording capabilities, and altering, duplicating, erasing, or destroying any BWC recording or data and metadata related to the BWC recording 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 Park Police Chief or the Park Police Chief's designee can designate such Authorized Personnel.
7. 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. Officers shall activate the BWC if the constitutionally protected activity meets one of the activation requirements listed under *Section IV-A-6 (Activation)* of this policy.
8. The Procedures/ Rules/ Regulations set forth in *Section IV (Procedures, Rules, Regulations)* of this policy represent the standard and best practices of the MPPD, but circumstances may dictate departures from those procedures as approved by the Park Police Chief or acting Department-head.
9. BWC data shall not be:
 - a. Used to create a database or pool of mug shots.
 - b. Used as fillers in photo arrays.
10. Officers assigned a BWC shall not permit anyone else to use or wear their BWC.

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 Officers or members of the public.

C. Training

1. Officers shall complete Department authorized training in the use and operation of the BWCs prior to being assigned a BWC.
2. Only those Officers that have been issued a BWC and have received the Department authorized training may operate a BWC.
3. All Employees who use the BWC data storage and access systems shall receive training on these systems and this policy, prior to being granted access.
4. Officers assigned to Investigations and assigned an “Investigator Role” in Evidence.com shall receive Evidence.com system training on case sharing from the Investigative Lieutenant prior to sharing any cases with partner agencies or outside agencies.

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 MPPD training, MPPD policies, and the manufacturer’s recommendations.
2. Officers shall wear the BWC in accordance with MPPD training, using mounting equipment provided by the Department.
 - a. Officers shall wear the BWC facing forward on the outermost garment, at or above the mid-line of the waist in a position that maximizes the BWC’s capacity to record video footage of the officer’s activities.
 - b. The MPPD BWC Coordinator may authorize additional mounting equipment options and may authorize alternate camera mounts with different placements for specialized units or functions as long as the BWC is worn at or above the mid-line of the waist in a position that maximizes the BWC’s capacity to record video footage of the officer’s activities.

F. BWC Program Responsibility

1. The MPPD BWC Coordinator is responsible for the technological aspects of the BWC program, including device support and maintenance. The BWC Coordinator is also responsible for oversight of the BWC program, ensuring policy adherence, and quality control/assurance.
2. 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. Prior to the issuance of an updated BWC policy, a mapping to statutory requirements shall take place.
- b. The BWC program shall be independently audited on a biennial basis in accordance with MN Stat. §13.825, Subd. 9.

G. Duty to Report

All Employees are required to report misconduct or other violations in accordance with MPPD Special Order 2022-03 (Code of Conduct – Sworn) and/or Minneapolis Civil Service Rules.

H. Assignment of BWCs

BWCs shall be assigned to all Officers by the Park Police Chief or the Park Police Chief's designee.

IV. PROCEDURES/RULES/REGULATIONS

A. Officer Responsibilities

1. Charging BWCs

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

2. Wearing and Powering on BWCs

a. In Uniform

Officers assigned a BWC and working in uniform (Class A, B, C, or D in accordance with MPD P&P 3-100) shall wear the BWC and keep it powered on at all times during their shift when they can reasonably anticipate that they may become involved in a situation for which activation is appropriate in accordance with this policy.

- i. This also applies to officers working at the station front desk.
- ii. When working in uniform, investigators assigned a BWC shall wear it in accordance with the rest of this policy.
- iii. The Park Police Chief or the Park Police Chief's designee shall determine whether Officers working assignments in soft uniforms (anything other than the full uniform that bears police markings) shall wear a BWC.

- iv. Officers shall wear the BWC in the “On” position, in buffering mode, while on patrol and not assigned to a call unless otherwise directed by a supervisor or in the following situations:
 - Officers shall power off the BWC while using the Department restroom or locker room unless required to be activated as a call for service. Officers shall power on the BWC and set to buffering mode after using the Department restroom or locker room.
 - Officers shall power off the BWC while using a public restroom or public locker room unless required to be activated as a call for service. Officers shall power on the BWC and set to buffering mode after using the public restroom or locker room.

b. 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.

c. Entering Centers for Domestic or Sexual Violence Victim Advocacy

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. Officers shall activate as needed in accordance with the section on Activation (including for interviews).

d. Legal Proceedings

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. Startup Checks

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. *See Section IV-A-4 (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
 - Date
- c. Officers should review the Startup Check recorded video to ensure that the BWC audio and video is working properly.
- d. The “Share My Location” setting for Axon View on Department mobile phones shall be set to “Always On.” The “Share My Location” setting for Axon Capture on Department mobile phones shall be set to “While Using the App.”

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, and shall document the issue in writing. 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. *See Section IV-A-6-d (Failure to Activate).*
- c. As soon as practical, Officers shall report the problems to the BWC Coordinator 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 and who are operating a squad car equipped with Mobile Video Recording (MVR) shall activate the MVR equipment as required by policy and shall also activate the BWC in compliance with this policy.

6. Activation

- a. Required Activation

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 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 the station 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 or emergency response as defined by MPPD Special Order 2023-06.
- Vehicle pursuits.
- Work-related transports not involving a ride-along, another Minneapolis Park and Recreation Board (MPRB) employee in their official capacity as a MPRB employee, or another City of Minneapolis 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 MPPD is already creating a recording through another approved method.

- Any use of force situation. If a BWC is not activated prior to a use of force, it shall be activated as soon as it is safe to do so.
- Any tactical entry or forced entry into a building.
- Supervisors responding to a scene.

b. Changing Situations

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

c. Strip Searches

- 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.
- 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

- 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 Police Report.
- 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.
 - 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.
 - 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 the BWC for community meetings or other community/park 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. Officers working the station front desk are not required to activate the BWC for phone calls unless the Officer deems the phone call to be of evidentiary value.

g. Interviews with Crime Victims

- i. If Officers will be conducting an initial interview with a crime victim, Officers should advise the victim the camera will be on and activated during the interview.
 - aa. If the victim raises concerns with the camera being activated, the Officer can turn the camera away to record audio but avoid capturing the video.
 - bb. If the victim refuses to be interviewed with the camera on, the Officer may deactivate or power off the camera to facilitate the interview.
- ii. Officers conducting interviews with victims of domestic violence should be especially sensitive to the victims' requests (in accordance with the section on temporarily deactivating at the request of a party being contacted).
- iii. If the Officer had their camera powered off inside a center for domestic or sexual violence victim advocacy or assistance, they should power it on and activate it for the interview.

h. Parking Enforcement

Officers assigned a BWC are not required to activate their BWC for parking enforcement, as long as they are not engaging with a citizen. Activation in these circumstances is optional. However, if the Officer(s) engages with any citizen regarding the parking complaint the Officer(s) shall activate their BWC immediately.

Examples of situations where Officers do not need to activate their BWC under this provision may include:

- Proactive parking enforcement
- Responding to a call involving parking enforcement
- Snow emergency enforcement

7. Deactivation

a. Event Conclusion

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 employee 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 MPPD retains custody and should be reactivated at the intake door if custody is returned to the MPPD (it should be activated while arrestees are in the squad, being unloaded or loaded, and while being escorted to or from the person sally port).
- iii. The BWC may be deactivated if an event has otherwise concluded but the 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 Officers, witness Officers, 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.
- bb. Supervisors deactivating to perform administrative functions shall describe the reason by narration prior to each deactivation, or following reactivation.

ii. Documentation

- aa. If a Police Report will be prepared, the early deactivation and the reason shall also be documented in the Officer's Police Report or statement in the Police Report.
- bb. If a Police Report will not be prepared, the reason for the early deactivation shall be documented via added remarks in CAD, as soon as practical.

- cc. 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.
- dd. Documentation shall begin with the following prefix: "BWC:", followed by the reason for the documentation.
- ee. 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. Stabilized Events

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. Temporary Deactivation

When an event is still in progress, the BWC may be *temporarily* deactivated in the following situations, but shall be reactivated as soon as the temporary situation has concluded or if ordered 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. 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.
- iv. When ordered to by a supervisor. When this occurs, both the Officer and supervisor shall document the reason for the deactivation as described in the Report Writing section of this policy.
- v. During Operation 100s, only if the Incident Commander deems it necessary.

8. Uploading and Classification

a. Classify events prior to upload

Classification should be done shortly after the recorded incident is concluded and must be done prior to upload at the end of the employee's shift.

b. Upload at conclusion of shift

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.

c. Classify events as appropriate

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.

d. If multiple videos are captured on one recording and separate Case Numbers are applicable, Officers should contact a supervisor to determine appropriate classification and to split videos.

- 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).

- ii. Portable recording system data that are active criminal investigative data are governed by MN Stat. §13.82 Subd. 7, and portable recording system data that are inactive criminal investigative data are governed by MN Stat. §13.825 Subd. 2(a)(3).
- iii. Portable recording system data that are public personnel data under MN Stat. §13.43 Subd. 2, clause (5), are public.
- e. Data will be retained in accordance with applicable law, this policy and the MPRB records management retention schedule. Data may be retained past the scheduled retention period as required by MN Stat. §13.825 Subd. 2 and Subd. 3.
- f. Classification options

The following classification options will be used. Multiple categories may need to be used for a recording and the Public Status of each recording is subject to review:

Category	Retention Period	Public Status (subject to review)
• Training	1 Year	Nonpublic
• Rcrd Academy	1 Year	Nonpublic
• Accidental Activation	1 Year	Nonpublic
• Startup Check	1 Year	Nonpublic
• Non-Evidence/General Recording	1 Year	Nonpublic
• Protected	1 Year	Nonpublic
• Citizen Complaint	3 Years	Nonpublic
• Evidence	7 Years	Nonpublic
• Use of Force - Other	7 Years	Subject to review
• Use of Force - Substantial Bodily Harm	7 Years	Public
• Deadly Force	Indefinitely	Subject to review
• Police Discharge of a Firearm	7 Years	Public
• Significant Event	*Min 7 Yrs	Nonpublic
• Non-BWC Data	1 Year	Nonpublic
• Background/Non-Evidence Invest. Recording	7 Years	Nonpublic
• Citizen Evidence	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.

Rcrt Academy: This category is for the sole purpose of Academy staff and Recruits/Cadets for scenario video feedback. Video with this category shall not be accessed by anyone other than Academy staff, Recruits, Cadets, other personnel with written permission by the Park Police Chief, or authorized personnel with an MPPD related business need. Any other access is prohibited.

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

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

Non-Evidence/General Recording: This category should be used for recordings not associated with a call for service, offense, citation, arrest, report of crime, or citizen complaint. This category includes events such as general citizen contacts, that would not be considered evidence.

Protected: This category should be used for all recordings requiring a special level of review such as those capturing individuals with confidential identities or proprietary tactics.

Citizen Complaint: This category should be used for all recordings associated with any complaint of misconduct by a member of the public.

Evidence: This category should be used for all recordings associated with any call for service, offense, citation, arrest, or report of crime (regardless if the employee believes there is actual evidence captured in the recording). This includes all related recordings such as witness statements or other evidence.

Use of Force - Other: This category should be used for all recordings in which use of force was captured, where the force resulted in no injuries or less than substantial bodily harm.

Use of Force - Substantial Bodily Harm: This category should be used for all recordings that record, describe, or otherwise document actions and circumstances surrounding a use of force, where the force resulted in injuries with substantial or greater bodily harm or death.

Use of Deadly Force: This category should be used for all recordings that record, describe, or otherwise document actions and circumstances surrounding a use of deadly force, regardless of injury or outcome, as defined by MN 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.”

Police Discharge of a Firearm: This category should be used for all recordings that record, describe, or otherwise document actions and circumstances surrounding the discharge of a firearm by an Officer in the course of duty, where a notice is required under MN Stat. §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 MPPD Command Staff.

Non-BWC Data: This category should be used for any file uploaded that is not a BWC video recorded by MPPD.

Background/Non-Evidence Invest. Recording: This category should be used for Non-BWC Data deemed by MPPD Investigators as requiring a 7-Year retention period. This category includes background interview audio files and other audio recordings that would not be considered evidence associated with a criminal case.

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

g. Case number required

- i. Whenever a Case Number (CN) is generated from CAD, Officers shall provide the associated CN in the “ID” field for all related BWC data.
 - ii. When entering the CN, it shall be in the standard format of YY-xxxxxx (ex. 21-123456). The dash must be included, and no other characters will be used.
- h. Officers shall write a meaningful description to describe each piece of evidence under “Title.” A description should include the offense code and enough information to assist investigators in distinguishing the evidence from others under the same Case Number (CN).

- i. Titles should not include any of the following information:
 - Names of individuals
 - Social Security Number
 - Driver's license number or Minnesota identification card number
 - Account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individuals' financial account.
 - ii. If the Protected category is applied, the Officer shall also add "PROTECTED" at the beginning of the Title field.
 - iii. If no CN is generated for the event, the Officer shall add "No CN" at the beginning of the Title field.
- i. Critical Incidents – Uploading Data and Custody of the BWC equipment
- i. When MPD is the investigating agency, involved and witness Officers shall maintain custody of their BWC equipment until MPD Forensic Services Division personnel (or other investigative authority authorized by the Park Police Chief) take custody of the equipment.
 - aa. In the event that any Officers will be photographed as part of the Critical Incident protocol, Officers shall leave BWC equipment on their uniform until photographs are completed.
 - bb. Authorized Forensic Services Division personnel are responsible for ensuring any BWC recordings are properly uploaded. The Park Police Chief or the Park Police Chief's designee shall assist Forensic Services Division personnel in the uploading of Park Police BWC recordings as directed.
 - cc. Once all uploads are completed, the Park Police Chief, in collaboration with the assigned investigators, is responsible for authorizing release of the BWC equipment to the Officer or other appropriate personnel.
 - dd. In the event that Forensic Services Division 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. When MPD is the investigating agency, all Officers except involved and 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, as directed by the Park Police Chief.
 - aa. Uploading of the recordings and physical custody of the BWC will be coordinated with the Park Police Chief (or designee), assigned investigators, and the outside investigating agency.

9. Report Writing

a. Data Access

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

b. Critical Incidents

- i. To capture and document the Officers' perceptions and recollections uninfluenced by outside sources, involved and witness Officers in Critical Incidents are prohibited from reviewing BWC data prior to making their initial Police Report or statement in the Police Report.
- ii. If authorized by the Park Police Chief to review BWC data after making their initial Police Report, Officers may add an additional narrative text after review but shall not alter the initial report.

c. Incidents that are not Critical Incidents

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

d. Items about BWC usage to include in Police Report

When a Police Report is made, Officers shall document the following in the Police Report:

- Whether audio or video evidence was gathered relating to the events described in the report.
- If the BWC was not activated as required, 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. Extra-Duty and Approved Off-Duty

- a. Officers assigned a BWC shall use it during extra-duty and approved off-duty work and shall comply with the BWC policy.
- b. BWC use is allowed only for extra-duty and approved off-duty work while wearing the MPPD uniform. Officers wearing the MPPD uniform who are performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official shall wear the MPPD-issued BWC.
- c. Uploading BWC data from extra-duty and approved off-duty work
 - i. Any audio/visual data regarding a use of force by or against the 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 extra-duty and approved 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 extra-duty or approved 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 extra-duty or approved off-duty shift.
- d. Officers shall not use the MPPD-issued BWCs while working for another law enforcement agency.
- e. Officers shall conduct a BWC Startup Check at the beginning of all extra-duty and approved off-duty work to ensure that equipment is working properly.
 - 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. *See Section IV-A-4 (Problems with the BWC Equipment).*
 - Once the BWC is activated for the Startup Check, the Officer shall state the following information prior to deactivating:
 - Name
 - Badge Number
 - Extra-Duty or approved Off-Duty Call sign
 - Date
 - Officers should review the Startup Check recorded video to ensure that the BWC audio and video is working properly.

- The “Share My Location” setting for Axon View on Department mobile phones shall be set to “Always On. The “Share My Location” setting for Axon Capture on Department mobile phones shall be set to “While Using the App.”

11. Employees shall not order transcripts or redactions of BWC evidence from Axon without supervisor approval.

B. Supervisor Responsibilities

1. Ensure employees follow procedures

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 MPPD BWC Coordinator 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. MPPD Command Staff may also direct sergeants to conduct additional reviews of BWC recordings and usage data that exceed the standards established by the MPPD BWC Coordinator.

2. Problems with the BWC

- a. Supervisors shall ensure that appropriate measures are taken when informed of any problems with BWC equipment. This includes notification to the MPPD BWC Coordinator 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 services 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. Respond to the scene

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

For Critical Incidents, equipment and uploading shall be handled according to the Uploading and Classification Critical Incident Section. *See Section IV-A-8-i (Critical Incidents – Uploading Data and Custody of the BWC equipment).*

4. Review pertinent video

When conducting force reviews or complaint investigations, supervisors shall view any pertinent BWC video as part of the review (including from witness Officers). Supervisors may also view pertinent BWC video as part of any other administrative review.

C. BWC Data Retention

1. Data will be maintained in a secure storage system designated and approved by the MPPD.
 - a. All data will be backed up by the storage system vendor.
 - b. BWC video shall only be stored in a database that is CJIS compliant (such as Evicence.com, One Drive and Share Point). BWC video shall not be stored in any other database, including the C, H, M, N, P and T drives. BWC video shall not be stored on computer hard drives.
2. At least annually, the MPRB shall conduct a comprehensive security assessment of any personal data maintained by the MPRB. Personal data for the purposes of this assessment shall be defined in accordance with MN Stat. §13.055 Subd. 6.

D. Inventory of Portable Recording System Technology

In accordance with MN Stat. §13.825 Subd. 5, the MPPD will maintain the following information, which is public data:

- The total number of recording devices owned or maintained by the MPPD.
- A daily record of the total number of recording devices actually deployed and used by officers.
- The policies and procedures for use of portable recording systems required by MN Stat. §626.8473.

- The total amount of recorded audio and video data collected by the portable recording system and maintained by the MPPD, the MPPD's retention schedule for the data, and the MPPD's procedure for destruction of the data.

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

1. Permission required for system access

Access to the Department authorized storage system shall only be granted with written permission from the Park Police Chief, 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. The BWC Coordinator will periodically review the user access list to ensure that access levels are appropriate and have been duly authorized.

2. Documentation of access data

All accesses of the BWC data are documented automatically as part of the BWC vendor technology. Data relating to accesses will be retained in accordance with the retention schedule for the BWC data that was accessed. BWC data will be automatically deleted upon the expiration of the longest retention category by the secure BWC vendor technology unless recategorized prior to deletion. BWC data deletion notifications will be reviewed by two supervisors prior to deletion.

3. Requests for data

All BWC recordings are the property of the MPPD and original BWC recordings shall remain in the sole custody of the MPPD, 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. MPPD records policy
 - i. All recordings shall be handled in accordance with the Department's records policy.
 - ii. The legislative auditor or state auditor acting in the performance of official duties shall have access to nonpublic data for audit purposes.
- b. Public Requests and redaction

Public requests for BWC recordings shall be referred to the MPRB Deputy Superintendent's Office and will be considered in accordance with the Minnesota Government Data Practices Act or other applicable law.

- i. Data shall be classified as private, nonpublic, or public, consistent with the requirements of MN Stat. §13.825 Subd. 2.
- ii. 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.
- iii. Data subjects have access to the data, subject to the conditions in the Data Practices Act, including but not limited to MN Stat. §13.825.
- iv. All entities with access to the BWC data are responsible for ensuring they only handle and release BWC data in accordance with Minnesota Statute.
- v. 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 Stat. §13.825 Subd. 2.
 - bb. 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 Stat. §13.825, where applicable.
 - cc. The original recording shall remain intact and stored within the department authorized storage system in accordance with record retention laws and policies.
- c. MPPD personnel requests for duplication

Requests by MPPD personnel for duplication of BWC data for purposes of official MPPD business shall be directed to the MPPD BWC Coordinator.
- d. Outside Agency and Partner Agency requests for duplication

BWC data that are not public may only be shared with or disseminated to another law enforcement agency, a government entity, or a federal agency upon meeting the standards for requesting access to data as provided in MN Stat. §13.825.

Requests for evidence from an outside agency or a partner agency shall be forwarded to the Investigative Lieutenant. Once the Investigative Lieutenant receives the request, the Investigative Lieutenant, or his/her designee, shall review the request and, if approved, share the evidence with the requesting agency. Once the evidence is shared, the Investigative Lieutenant, or his/her designee, shall email the requesting agency and advise that the evidence is available for viewing. The primary format for requesting information shall be by email. If exigent circumstances exist, the requesting party or employee may call the Investigative Lieutenant to perform the request. The Park Police Chief or the Park Police Chief's designee may share BWC data with a partner agency when:

- i. The BWC data is shared with an approved City department or government agency as necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.
 - ii. The BWC data is shared to aid another public safety agency in an active criminal investigation.
- e. Sharing BWC recordings with public or employees

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

4. Data use for training purposes

Recorded data may only be replayed or displayed for training purposes with the approval of the Park Police Chief. Nothing herein prohibits MPPD executive staff from having access to BWC recording for the purpose of planning training.

5. Data access by employees or as evidence

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

- Pending administrative, criminal, civil or traffic matters;
- A complaint of misconduct made against an 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.

6. Data access in Critical Incidents

In any Critical Incident, video and audio data shall not be accessed unless approved by the assigned investigating agency or Park Police Chief.

7. No duplication of data by recording devices

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

8. Opening saved evidence

When opening saved evidence, Employees shall write and save a note in that piece of evidence indicating the reason for opening and/or viewing the evidence.

9. Notwithstanding section MN Stat. §13.82, subdivision 7, when an individual dies as a result of a use of force by an MPPD Officer, the MPPD shall allow the following individuals, upon their request, to inspect all BWC data, redacted no more than what is required by law, documenting the incident within five days of the request, subject to *Section IV-E-10* and *Section IV-E-11*:

- a. the deceased individual's next of kin;
- b. the legal representative of the deceased individual's next of kin; and
- c. the other parent of the deceased individual's child.

10. The MPPD may deny a request to inspect BWC data under *Section IV-E-9* if the MPPD determines that there is a compelling reason that inspection would interfere with an active investigation. If the MPPD denies access under this paragraph, the Park Police Chief must provide a prompt, written denial to the individual in *Section IV-E-9* who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to MN Stat. §13.82, subdivision 7.

11. When an individual dies as a result of a use of force by an MPPD Officer, the MPPD shall release all BWC data, redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the Park Police Chief asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by MN Stat. §13.82, subdivision 7.

F. Notice to Data Subjects

- 1. If a person brings an action in district court under MN Stat. §13.825 Subd. 2, the MPRB 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 MPRB has retained a recording in accordance with MN Stat. §13.825 Subd. 3 paragraph (c), the MPRB 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 MPRB discovers or is notified of a breach in the security of the data, data subjects, if known, will be notified in accordance with MN Stat. §13.055, Subd. 2.
 - a. The notification may be delayed if the MPRB determines that the notification will impede an active criminal investigation. The notification will be made after the MPRB determines that the notification will not compromise the investigation.
 - b. Notice under this section may be provided by one of the following methods:
 - i. written notice by first class mail to each affected individual;
 - ii. electronic notice to each affected individual, if the notice provided is consistent with the provisions regarding electronic records and signatures as set forth in United States Code, title 15, section 7001; or
 - iii. substitute notice, if the MPRB demonstrates that the cost of providing the written notice required by paragraph (a) would exceed \$250,000, or that the affected class of individuals to be notified exceeds 500,000, or the MPRB does not have sufficient contact information. Substitute notice consists of all of the following:
 - aa. e-mail notice if the MPRB has an e-mail address for the affected individuals;
 - bb. conspicuous posting of the notice on the website page of the MPRB; and
 - cc. notification to major media outlets that reach the general public within the MPRB's jurisdiction.
 - c. If the MPRB discovers circumstances requiring notification to more than 1,000 individuals at one time, the MPRB will also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in United States Code, Title 15, Section 1681a, of the timing, distribution, and content of the notices.

G. Uploading Non-BWC Data

For all video, audio, or photographic data uploaded to the storage system that was not video captured by an MPPD-issued BWC, Officers shall follow the requirements in the Uploading and Classification section (*See Section IV-A-8*) 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 (CN) is generated from CAD, Officers shall provide the associated CN in the “ID” field for all related data.
 - a. When entering the CN, it shall be entered in the standard format of YY-xxxxxx (ex. 21-123456). The dash must be included, and no other characteristics will be used.
3. Officers shall write a meaningful description to describe each piece of evidence under “Title.” A description should include the offense code and enough information to assist investigators in distinguishing the evidence from others under the same Case Number (CN).
 - a. If the Protected category is applied, the Officer shall also add “PROTECTED” at the beginning of the Title field.
 - b. If no CN is generated for the event, the Officer shall add “No CN” at the beginning of the Title field.

I. New Surveillance Technology Notification

Within ten days of obtaining new surveillance technology that expands the type or scope of surveillance capability of a portable recording system device beyond video or audio recording, the MPPD will notify the Bureau of Criminal Apprehension in accordance with MN Stat. §13.055 Subd. 10.

J. MN POST Board Inspection

The MN POST Board has authority to inspect state and local law enforcement agency policies to ensure compliance with this section. The MN Post Board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process. The MN POST Board may impose licensing sanctions and seek injunctive relief under MN Stat. §214.11 for an agency’s or licensee’s failure to comply with this section.

Department policy approved by:



Al Bangoura, Superintendent Date