

BLOOMINGTON POLICE DEPARTMENT MANUAL

GENERAL ORDER: 249

EFFECTIVE DATE: March 25, 2019

SUBJECT: BODY WORN AND SQUAD CAR CAMERAS

A. Purpose

The purpose of this order is to establish guidelines for the use, management, access, retention, handling of evidence, storage, and retrieval of audio-visual media recorded by Body-Worn and In-Car Camera or Fleet video systems at the Bloomington Police Department.

B. Definitions

1. **Activate** - Any process which causes the BWC or Fleet system to transmit or store video or audio data.
2. **Body-Worn Camera (BWC) System** - Any system that captures audio and video signals, that is capable of being worn individually by officers.
3. **Body-Worn Camera (BWC) and Fleet Technician** - Personnel, licensed or civilian, that are trained in the operational use and repair of BWCs, In-Car Camera or Fleet System, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.
4. **Body-Worn Camera (BWC) Video** - Audio-video signals recorded on any storage device obtained through a department-installed BWC video system.
5. **Critical Incident** - Any incident that has caused or is likely to have caused serious bodily harm or death to any person to include Bloomington Police employees.
6. **In-Car Camera or Fleet System** - These are synonymous terms and refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder, and monitor.
7. **MGDPA** - The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.
8. **Supervisor** - Licensed peace officers appointed with responsibility to serve as a supervisor.

C. Policy

The use of the BWC and Fleet systems provides documentation of law enforcement interaction with the public by providing evidence for the judicial system, internal review, or review by the public through formal request. The primary function of the BWC and

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Fleet System is for evidence collection and not to initiate disciplinary action against the officer, but the data collected on the BWC and Fleet System may be used as evidence relating to a complaint of misconduct made against an officer by any person present at the scene of the incident when such complaint could result in additional training, counseling or disciplinary action in accordance with agency policy.

D. Procedures

1. Operational Objectives

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

- a. To further document statements and events during the course of an interaction.
- b. To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- c. To provide a measurement for self-critique and field evaluation during new officer training.
- d. To preserve visual and audio information for use in current and future investigations.
- e. To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings.
- f. To identify training needs; and
- g. To protect officers from false claims.

2. Officers' Responsibilities

- a. Prior to issuance, all officers assigned BWCs shall be trained in the use of the technology and this policy. BWCs will be issued to all sworn personnel, Community Service Officers, and Animal Control Officers. BWCs will be worn as a part of the uniform when working a regular shift or Contractual Overtime assignment. Some assignments may be exempted from daily wearing of a BWC system at the Chief's discretion (i.e. Honor Guard, Officers in Class A uniform for ceremonial reasons, etc.).
- b. BWCs will be worn where it affords an unobstructed view, and above the mid-line of the waist.
- c. Inspection and general maintenance of BWC equipment issued to officers shall be the responsibility of the officer.

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- d. At the start of each shift (when feasible), the assigned officer shall perform an inspection to ensure that the BWC is performing in accordance with the manufacturer's recommendations.
- e. Malfunctions or damage of BWC equipment shall be reported to the officer's immediate supervisor prior to placing the unit into service. An information report shall be completed documenting the suspected cause(s) of equipment failure or any recommendations for corrective actions. The on-duty supervisor shall determine if the officer will be issued a spare BWC.
- f. Inspection and general maintenance of Fleet equipment shall be the responsibility of the officer.
- g. Prior to beginning each shift (when feasible), the assigned officer shall perform an inspection to ensure that the Fleet system is performing in accordance with the manufacturer's recommendations.
- h. Malfunctions or damage of Fleet equipment shall be reported to the officer's immediate supervisor prior to placing the unit into service. An information report shall be completed documenting the suspected cause(s) of equipment failure or any recommendations for corrective actions. The on-duty supervisor shall determine if the officer will be issued a spare Fleet system.
- i. It is the responsibility of each officer to dock (upload) their BWC at the end of their regular shift.
- j. It is the responsibility of each officer to ensure, by the end of their next shift, that the prior shifts videos were classified correctly.
- k. It is the responsibility of each officer to ensure that their BWC is docked (uploaded) at the end of each COT event/shift if they made an arrest, issued a citation, or captured a video that would require documenting in a police report. If there were just casual encounters, the officer would revert to letter i.

3. BWC Recording

Uniformed Officers:

- a. To the extent practical without compromising officer safety, the BWC system shall be activated during all contacts with citizens in the performance of official duties. When responding to a call for service, the system shall be activated when the officer arrives on-scene. This does not include casual contacts and Community Engagement Events.

Officers are encouraged to activate the BWC system at any other time at his or her discretion.

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- b. Officers need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value, such as drug overdoses.
- c. Officers shall activate their BWC when dealing with people believed to be experiencing a mental health crisis or event.
- d. Officers have no affirmative duty to inform people that a BWC is being operated or that they are being recorded, but may do so at any time.
- e. Officers generally will not activate BWCs to record undercover officers or Confidential Informants.
- f. When the BWC is activated to document an event, it shall not be deactivated until the event has been concluded unless:
 - 1. The officer reasonably believes that deactivation will not result in the loss of critical documentary information.
 - 2. The intention to stop the recording has been noted by the officer either verbally or in a written notation.
 - 3. The system may be muted for short discussions of tactics that the officer does not want documented. The impending muting shall be articulated before it occurs.
 - 4. In rare instances, at the request of a victim or witness, officers may choose to discontinue a recording for the purpose of ensuring privacy when obtaining a statement. Officers are strongly encouraged to record all interviews for evidentiary purposes; however, the need for privacy in certain circumstances and the need to obtain a statement should be taken into consideration. Additionally, if a citizen wishes to submit anonymous information, the decision to record will be at the discretion of the officer whether the value of the information outweighs recording.
- g. In the event of a Critical Incident, every officer involved shall continue recording until advised to cease recording by an on-scene supervisor.
- h. Recording is not necessary in the BPD Jail.
- i. Recording is not necessary where prohibited by other agencies or institutions, such as the Hennepin County Jail intake area or HCMC.

Detectives:

- a. Detectives shall wear and activate their BWC System when executing Search Warrant entries or on preplanned apprehension or enforcement details.

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ERU Officers:

- a. The ERU Commander will determine which officers deploy a BWC System and when it should be activated.

Plain-clothes and SIU Details:

- a. Supervisors of plain-clothes details will determine if BWC Systems will be deployed. If the presence of a BWC would be detrimental to the administration of justice, it should not be deployed.

Notwithstanding any other provision in this policy, officers shall not use their BWCs to record other department personnel during non-enforcement related activities, such as during pre- and post-shift time in locker rooms, during breaks, or during other private conversations, unless authorized as part of an administrative or criminal investigation.

4. Operational Protocols

Officers shall have access to review the recordings when preparing written reports or statements of events to help ensure accuracy and consistency of accounts.

In the event of a critical incident, the attorney representing the involved officer will be allowed to view the officer's BWC video. The involved officer will then be interviewed by the investigator. After the initial interview, but before the conclusion of the process, the officer will be given the opportunity to review their BWC video with the investigator if they so choose. Once the video has been reviewed, the interview process will continue and the officer will be given an opportunity to acknowledge that they observed the video and that it refreshed their memory, adding any corrections, or that their previous statement was accurate.

- a. With the exception of law enforcement radios or other emergency equipment, officers shall not use other electronic devices in order to intentionally interfere with the capability of the BWC System to record audio data.
- b. Officers shall not erase, alter, reuse, modify, tamper with, or make a recording of BWC or Fleet data.
- c. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment issued or authorized by the BWC technician.
- d. Civilians shall not be allowed to review recordings at the scene.

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- e. The BWC must be downloaded per Axon's instructions at the end of the officer's shift. If the download fails for any reason, the officer shall notify a supervisor.
- f. Officers will document the existence of BWC evidence in their Offense Report.
- g. Officers shall use only Department-issued BWCs.
- h. Officers shall be allowed to know the audit trail of viewers of their videos.

5. Protection and Audit of Data

BWC and Fleet data will be protected in compliance with state law and this policy. To that end, the department will:

- a. Restrict access to BWC data according to employee's access credentials.
- b. Maintain an automated audit trail of the date, time, and user with regard to each access to data. All employees who access data via Evidence.com will be required to document the reason for their access by adding a note describing their reason for access in the "Notes" section of the data file that was accessed. Authorized reasons for review include:
 - Report Writing
 - Court
 - Investigation
 - Debrief
 - Response to Resistance Review
 - Pursuit Review
 - Squad Accident
 - Complaint Resolution
 - Quality Control
 - Training
 - FTO

Access to all BWC data must be for a legitimate, specified law enforcement purpose. Unauthorized access of not public data is a misdemeanor and just cause for suspension without pay or dismissal of the employee.

6. Supervisor's Responsibilities

- a. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.

- b. Supervisors may review officer assigned media to resolve citizen complaints or objections to employee actions.
- c. Supervisors may conduct periodic reviews of officer assigned media in order to periodically:
 - 1. Assess officer performance.
 - 2. Assure proper functioning of BWC equipment.
 - 3. Determine if BWC equipment is being operated properly.
 - 4. Identify recordings that may be appropriate for training.
- d. When a supervisor views, or is made aware of a recording, and believes the recording is appropriate for training purposes he/she shall consult their division Commander and the officer before arranging department viewing. The consultation will determine the training value of the recording and its possible impact on any investigation or litigation. If needed, the division Commander may contact the Commander of Professional Standards for clarification.
- e. The Commander of Professional Standards will conduct an annual review of the BWC program and this policy.

7. Technician's Responsibilities

- a. The designated BWC and Fleet technician is responsible for the ordering, issuance, retrieval, storage, and duplication of all recorded media.
- b. The technician shall be responsible for collecting all completed media or for oversight and verification of wireless downloaded media.
- c. Recorded media may only be deleted:
 - 1. Pursuant to a court order.
 - 2. In accordance with established retention policies.
- d. For the purpose of accountability, all media will be assigned an identification number prior to issuance to the field. The technician will maintain a record database of issued media.
- e. The technician shall be responsible for the following:
 - 1. Long-term storage of media deemed to be of evidentiary value consistent with the agency's evidence storage protocols and retention schedule. * Due to the fact that new information may be obtained over time, the technician will be responsible for making sure the retention period is correctly categorized.

8. Storage Procedures

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BWC and Fleet System video evidence shall be stored in a cloud-based server accessed through Evidence.com.

9. Retention of Video Evidence

Upon ending a recorded event on the fleet system or docking the BWC, AXON will synch with the CAD system and automatically classify the recording if the officer was on a CAD call. This classification process will ensure that all recordings are properly saved so all data is retained in a manner consistent with Minnesota Data Practices, department policy, and retention schedules.

Some recordings may not be classified or may be misclassified. Officers are responsible for classifying those correctly through Evidence.com by the end of their next shift.

Below is the list of classifications and their respective retention periods.

<u>Classification</u>	<u>Definition</u>	<u>Retention</u>
Test/Accidental	Test/K9 Equipment Check/Accidental Activation/Non-evidence	90 Days
Call for Service	Citizen Contact/Call for Service	1 Year
Traffic Related	Traffic Stops/P.I .or H & R Crashes/TLE's	2 Years
Use of Force/Chase	Use of Force/Flee	7 Years
Arrest/Investigative/Evid.	Arrest, Referral for charges	7 Years
Critical Incident/Admin	Critical Incident/Internal Investigation	7 Years*
Death/CSC Investigation	Death/CSC	Permanent

*7 Year Minimum on critical incident, Internal Investigation retention 5 years after termination/separation of employment.

In the event of unintentional BWC recording that captures sensitive personal information that should be restricted, an officer may submit a written request via email to the Commander of Professional Standards to restrict access to that portion of BWC data. The Commander will evaluate the request with the Chief of Police. If a restriction is placed on access to such data, that restriction will remain until the data is deleted according to the retention schedule of the data's category.

10. Media Access

- a. All recording media, recorded images and audio recordings are the property of the agency and subject to the provisions of the MGDPA. Dissemination outside of the agency is strictly prohibited except to the extent permitted under the MGDPA, Peace Officer Disciplinary Procedures Act or other applicable law and without written authorization of the agency's chief executive or his or her designee.
- b. Whenever a private entity requests a copy of a recorded incident, the Department shall obtain approval from the appropriate prosecuting attorney and/or department investigator, if applicable, before releasing the video.
- c. At the conclusion of the trial proceedings or as otherwise authorized by the prosecutor's office for which the media was required, all copies shall be submitted to the Property Clerk for further storage.
- d. An officer who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment. In the event of a Critical Incident, refer to section 4, Operational Protocols.
- e. Display of any recorded item, until final adjudication of the case, shall be limited to department personnel, other agencies affected in the case, and persons specifically authorized by the City or County Attorney.

11. Handling of Evidence

- a. Recordings which contain data related to, or in anticipation of, civil litigation shall continue to be in control of the agency, in conjunction with the prosecuting authority.
- b. When a recording contains evidence for a case which is being investigated by another agency, that agency shall be provided a duplicate copy of the recording with the approval of the Chief or their designee.

12. Inventory of portable recording system technology

- a. The Commander of Professional Standards or a designee appointed by the Chief of Police shall be responsible for establishing an inventory of portable recorders including:
 1. Total number of devices owned or maintained by the Bloomington Police Department.
 2. Daily record of the total number of devices deployed and used by members and, if applicable, the precinct or district in which the devices were used.
 3. Total amount of recorded audio and video data collected by the devices and maintained by the Bloomington Police Department.

13. Biennial Audit

- a. The Commander of Professional Standards shall be responsible for making arrangements for an independent biennial audit as required by Minn. Stat. § 13.825, Subd. 9.

CANCELS AND REPLACES:
General Order 249 – Body Worn Cameras – Issued #9 4-27-18