

Office of Police Conduct Review

Body Camera Implementation Research and Study



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Purpose

Enacted by motion at June 9, 2015 meeting:

Chief Janeé Harteau asked that the Commission assess:

- whether the community wants body cameras
- what suggestions do community members have as to the policy for implementing body cameras



Best Practices

Key findings:

- Activation for Community Contact
- Civilian Consent
- Evidentiary Presumption
- Notification
- Officer viewing and report writing
- Periodic Supervisor Review
- Policy Accessibility



Community Input

Sources:

- Three Community Listening Sessions
- 5 Outreach Events
- PCOC Email Account
- Comments on News Articles
- More than 200 substantive community comments collected



Recommendations

The Police Conduct Oversight Commission recommends the following actions to the Minneapolis Police Department:

1. Implement body cameras to the Minneapolis Police Department.
2. Adopt the Police Conduct Oversight Commission's Red-Lined Policy and all recommendations therein.
3. When conducting periodic reviews of body camera footage for police compliance, those reviews should be conducted by supervisory staff who are not direct supervisors of officers' whose footage is being reviewed.
4. When releasing video per a public data request in accordance with Minn. Stat. Ch. 13, contact and inform any subjects of the footage prior to the release.
5. Partner with an academic institution to conduct an impact study on body camera use by the Minneapolis Police Department for at least the first two years of the program's operation.
6. Invite the Commission to conduct an additional Research and Study two years following the body camera program rollout. This Research and Study will evaluate revised body camera best practices, research and analysis, community input gathered through community listening sessions, and a recommended revised body camera policy.
7. Adopt recommendations stated in the City of Minneapolis Internal Audit Department: Police Body Camera Consultation Memorandum.

Questions?

Report and red-lined policy can be found at:

<http://www.ci.minneapolis.mn.us/groups/public/civilrights/documents/webcontent/wcmslp-148199.pdf>



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- what suggestions do community members have as to the policy for implementing body cameras

Methodology

- Nationwide Best Practices Research
- Community Input
- Red-lined Standard Operating Procedure

Report Structure

- Report looks into 7 aspects
 - Authority
 - Coordination
 - Recruitment
 - Identification
 - Storage
 - Public Access and Distribution
 - Accountability
 - Policy Considerations
- Report contains general recommendations and a red-lined Standard Operating Procedure

Methodology

- Nationwide Best Practices Research
- Community Input
- Red-lined Standard Operating Procedure

Report Structure

- Report broken into 7 categories
 - Activation
 - Deactivation
 - Restrictions
 - Notification
 - Viewing
 - Public Access and Retention
 - Accountability
 - Policy Creation
- Report contains general recommendations and a red-lined Standard Operating Procedure

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Report Structure

- Report includes the following:
 - Acknowledgements
 - Executive Summary
 - Introduction
 - Findings
 - Public Access and Transparency
 - Accountability
 - Policy Options
- Report contains general recommendations and a red-lined Standard Operating Procedure

Best Practices

Key findings:

- Activation for Community Contact
- Civilian Consent
- Evidentiary Presumption
- Notification
- Officer viewing and report writing
- Periodic Supervisor Review
- Policy Accessibility

Police Departments 

- Duluth Police Department
- Buzsáki Police Department
- New Orleans Police Department
- Seattle Police Department
- District of Columbia Police Department
- Salt Lake City Police Department
- Los Angeles Police Department

Research Groups

- Police Executive Research Forum
- Office of Community Oriented Policing Services
- Atlanta Citizens Review Board
- Bureau of Justice Assistance
- Journal of Quantitative Criminology
- Forensic Science Institute



Advocacy Organizations

- American Civil Liberties Union
- Leadership Conference on Civil and Human Rights
- Fraternal Order of Police
- International Association of Chiefs of Police
- Code of Change
- Policy Link
- Center for Popular Democracy

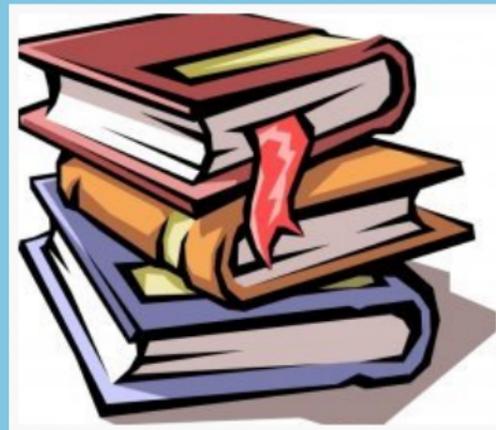
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- 5 Outreach Events
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Clear Metrics

Participants

- 100 women
- 43% in support (90%)
- 45 engaged (9%)
- 7 disengaged (1%)



Events

- 3 Community Listening Sessions
- 7 News Article Feedback
- 200+ Anonymous Collection of the American Disabilities Act
- National Night Out

Community Comments

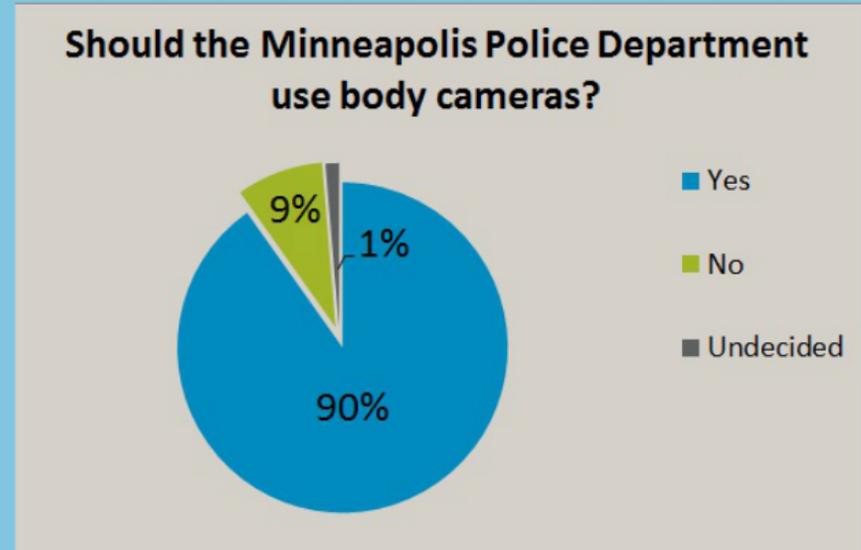
Themes

- Camera active as often as possible
- Limit officer discretion
- Camera control by the citizen and not by the officer
- SWAT usage of body cameras
- Officers write reports before viewing footage
- Footage accessible to public
- Accountability for officer failures to properly use cameras
- Continued community breakdowns to properly walking

Door Poll Data

Participants:

- 530 surveys
- 478 in support (90%)
- 45 opposed (9%)
- 7 undecided (1%)



Events:

- 3 Community Listening Sessions
- Twin Cities Pride Festival
- 25th Anniversary Celebration of the American Disabilities Act
- National Night Out

Community Comments

Themes:

- Cameras active as often as possible
- Limit officer discretion
- Obtain consent to be filmed and notify civilians
- SWAT usage of body cameras
- Officers write reports before viewing footage
- Footage accessible to public
- Accountability for officer failure to properly use cameras
- Continued community involvement in policy making

Recommendations

The Police Conduct Oversight Commission Recommends the following actions to the Minneapolis Police Department:

1. Implement body cameras in the Minneapolis Police Department.
2. Adopt the Police Conduct Oversight Commission's Red-Lined Policy and all recommendations therein.



3. When conducting periodic reviews of body camera footage for policy compliance, those reviews should be conducted by supervisory staff who are not direct supervisors of officers' whose footage is being reviewed.
4. When releasing video per a public data request in accordance with Minn. Stat. Ch. 13, contact and inform any subjects of the footage prior to the release.
5. Partner with an academic institution to conduct an impact study on body camera use by the Minneapolis Police Department for at least the first two years of the program's operation.
6. Invite the Commission to conduct an additional Research and Study two years following the body camera program rollout. This Research and Study will contain updated body camera best practices research and analysis, community input gathered through community listening sessions, and a recommended revised body camera policy.
7. Adopt recommendations stated in the City of Minneapolis Internal Audit Department: Police Body Camera Consultation Memorandum.

Accountability & Transparency

Purpose

- Assist in the assessment of contacts between officers and the public by reviewing procedures and interpersonal actions.
- Increase accountability and transparency in an effort to promote community trust in the MPD.²⁰⁰

Discipline

Failure to follow any procedure detailed in this policy will be considered a policy violation and consequences will follow the MPD A-D discipline matrix.²⁴²

Accessibility

The Body Camera Policy shall be made available to members of the public by posting it on the MPD website and social media sites, including it in the MPD manual, and having hard copies available at all precincts.

Activation & Deactivation

Activation

Officers should manually activate the PVR to Record Mode when reasonably safe and practical in the following situations:

- All consensual community contacts²¹⁵
- All calls for service²¹⁶
- All law enforcement activities²¹⁷

For any consensual encounter, especially in a private residence²⁰⁷ or another place of expected privacy, officers should directly inform members of the public that the interaction is being recorded and ask to obtain their consent.²⁰⁸ If the member(s) of the public does not give consent, lack of consent must be explained on camera and deactivate the camera until obtaining consent or reactivate if the encounter becomes non-consensual and therefore a law enforcement action. Consensual encounters could include but are not limited to interactions with: officers in an undercover capacity, confidential reliable informants, crime victims and crime witnesses.

Deactivation

Once activated, the PVR may be deactivated at the conclusion of an incident which for this policy is defined as when an officer has terminated contact with an individual, cleared the scene of a reported incident, or has completed transport of a civilian or arrestee²²⁵, or during activities such as:

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Accountability: Evidentiary Presumption

Failure to Activate

If an officer failed to activate a PVR in a situation where activation is required, there will be an evidentiary presumption against said officer if a complaint of misconduct is filed.²²² The presumption can be rebutted by contrary evidence or by proof of exigent circumstances that made policy compliance impossible.²²³ Officers will be given a six month grace period from the program rollout date before this presumption will apply.²²⁴

Unauthorized Deactivation

If an officer prematurely deactivates a PVR in a situation where deactivation is inappropriate, there will be an evidentiary presumption against said officer if a complaint of misconduct is filed. The presumption can be rebutted by contrary evidence or by proof of exigent circumstances that made policy compliance impossible.²³⁰ Officers will be given a six month grace period from the program rollout date before this presumption will apply.

Reporting & Retention

Uploading

Data from the PVR shall be fully uploaded and shall not be altered, edited, erased, tampered with or redacted in any way prior to upload.

Report Writing

To ensure the evidentiary value of officer reports and statements²³¹, and to offer a more holistic view of an incident²³², officers must not review audio or video data prior to making a report or statement²³³ the accuracy of reports, an officer should review audio and video data before making a report or statement.

Addenda

Follow the completion of a written report, when the incident does not require a force review, an officer may view PVR footage of an incident and may make clearly marked addendums in his/her report to clarify or explain any inconsistencies.

Retention

Data that is not classified under one of the specified classification options, which are police evidence, significant/critical incidents and court cases, shall be retained for ~~one year~~ 280 days to ensure availability when investigating a complaint against a police officer.²³⁵

Any data containing officer use of force shall be retained for three years.²³⁷ Any data containing officer or civilian death shall be retained in perpetuity.

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Removal of Restrictions

Off-Duty Employment

~~Officers shall not use a PVR for off-duty employment without prior approval of the Chief or her designee.~~²⁰⁹ ~~Officers shall not use a PVR for SWAT-related operations.~~²¹⁰

SWAT Operations

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MINN. STAT. § 13.82 COMPREHENSIVE LAW ENFORCEMENT DATA

Subd. 25. Deliberative processes. Data that reflect deliberative processes or **investigative techniques of law enforcement agencies** are confidential data on individuals or protected nonpublic data; provided that information, reports, or memoranda that have been adopted as the final opinion or justification for a decision of a law enforcement agency are public data.

Policy Revision

POLICY REVISION²⁴⁰

The body camera program shall be audited yearly to ensure policy compliance and satisfaction with the equipment.

The MPD shall revise the body camera policy in the third year of the program's operation. This revision shall be informed by:

- Impact reports from academic partners,
- Audit reports on the program, and
- Research and Studies conducted by the PCOC, including the community input and proposed revised policy therein.

If the MPD desires to revise the policy prior to the third year of program operation, all proposed revisions must be presented to the PCOC prior to implementation.

Recommendations

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