

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

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TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: Manual Revision – 4-223 Body Worn Cameras <u>and In-Car Cameras</u> <u>4-218 Mobile and Video Recording (MVR) Policy</u> <u>Appendix: BWC and ICC Classification Options and Category Guidelines</u>			APPROVED BY:

MP-8806

Introduction:

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

4-223 Body Worn Cameras and In-Car Cameras

(XX/XX/XX)

Revisions to prior policies: (05/25/04) (04/11/07) (07/11/07) (09/19/08) (08/28/09) (08/01/11) (05/24/13) (06/09/15) (06/29/16) (07/29/17) (04/04/18) (06/30/20) (02/04/21) (06/24/22) (12/20/24)

~~(A-D)~~

I. Purpose

~~With the goal of enhancing accountability and public trust, this policy will provide Minneapolis Police Department (MPD) personnel members with procedures for the appropriate use and management of Body Worn Camera (BWC) and in-car camera (ICC) equipment, and supervisory responsibilities and the access, retention, storage, and retrieval of recorded media captured by BWC equipment. The purpose of BWC equipment use by Minneapolis Police Department employees is to accomplish the following:~~ BWCs and ICCs are intended to:

- Enhance accountability and improve public trust and MPD legitimacy in the community by preserving a record of employee interactions between MPD and with citizens community members.
- Capture digital audio-video evidence for criminal, civil and traffic-related court cases.
- ~~Assist employees by providing~~ Provide a record independent from ~~their members'~~ perceptions and recollections.
- Serve as an investigative tool and as an MPD training tool for employee member safety and best practices ~~in the MPD.~~

- Assist ~~in the assessment of contacts between employees and the public by reviewing procedures and interpersonal actions~~ with assessing MPD members' policy compliance.

H.—Definitions

[Moved to [IV]]

III.II. Policy

A. Assignment of BWCs

BWCs shall be assigned to all sworn personnel members. BWCs may be assigned to other personnel non-sworn members at the discretion of the Chief of Police or the Chief's designee.

A.B. Restrictions

1. Intimidation

- a. The BWC and ICC systems shall not be used ~~for the purpose of intimidating to intimidate~~ or ~~discourage discouraging an individual a person~~ from observing police activity, making ~~appropriate inquiries to the police~~ or making a complaint.
- b. ~~In no event shall any R~~recordings shall not be used or shown ~~for the purpose of ridiculing, embarrassing or intimidating to ridicule, embarrass, or intimidate~~ any person.

2. Interactions only with employeesMPD members

~~Employees-Members~~ shall not use the BWC-recording systems to record interactions solely with or among other ~~department employeesmembers~~, except ~~in circumstances for whichwhen~~ activation is appropriate in accordance with this policy.

3. Personal use

~~Employees-Members~~ shall not use the BWC-recording systems for personal use or for any other reason inconsistent with this policy.

4. MPD equipment

~~Employees-Members~~ shall only use BWCs and BWC equipment authorized by the DepartmentMPD authorized and issued BWCs and ICCs.

5. Disabling or interfering with BWCsrecording systems

Members shall not disable, Disabling BWC equipment, intentionally interfering with, alter, duplicate, delete, or destroy any BWC or ICC equipment, audio or video recording capabilities, and altering, duplicating, deleting or destroying BWC recordings, or metadata are prohibited, unless part of except by Authorized Personnel-BWC Data Managers' in the course and scope of their lawful job duties and in accordance with record retention laws and policies and the provisions of this policyP&P 4-508.

a. ~~Only the Chief or the Chief's designee can designate, in writing, such Authorized Personnel~~BWC Data Managers.

b. Full, unedited, and unredacted recordings of a peace officer using deadly force shall be maintained indefinitely (see the BWC and ICC Classification Options and Category Guidelines appendix)

6. Surveillance of protected activities

~~The BWC Members shall not be activated activate BWCs or ICCs solely for the purpose of surveillance of, or and subsequent identification or investigation of individuals people participating in, leading, or directing engaged in protests, demonstrations, or other constitutionally protected activities conducted in a lawful manner, or unless required by the activation section of this policy [III-E].~~

7. ~~8.~~ Use of BWCs and ICCs by non-employeesmembers

a. ~~Employees Members assigned a BWC shall not permit any non-employees member to use or wear the their BWC.~~

b. Members shall not permit any non-member to use the ICC.

~~7.8.~~ Facial recognition

In accordance with Minneapolis Ordinance 41.100, facial recognition technology shall not be used with BWC or ICC data unless an exception was approved in accordance with the ordinance. BWC data shall not be:

a. ~~Used to create a database or pool of mug shots.~~

b. ~~Used as fillers in photo arrays.~~

c. ~~Searched using facial recognition software. This does not prohibit the MPD from using facial recognition software to analyze the recording of a specific incident when an investigator has reason to believe that a specific suspect, witness, or person in need of assistance was recorded.~~

B.C. Informing the Public that aof BWC is in useRecording

1. ~~When feasible, employeesMembers are encouraged toshall~~ inform members of the public that they are being recorded.

2. ~~If asked, employees should inform those inquiring that audio video recording equipment is in use by a BWC, unless doing so would be unsafe, impractical, or not feasible for the employees or members of the public. This requirement applies regardless of whether the person asked.~~

C.A. Training

1. ~~Employees shall complete department authorized training in the use and operation of the BWCs prior to being assigned a BWC.~~

~~2.1. Only those employees that have been issued a BWC and have received the department authorized training may operate a BWC.~~

~~3.1. All MPD employees who use the BWC data storage and access systems shall receive training on these systems and this policy, prior to being granted access.~~

D. ~~Wearing and~~ Using the BWC and ICC Recording Systems

1. ~~Employees~~ Members assigned a BWC or a vehicle equipped with an ICC shall use ~~it~~ them in accordance with MPD training, MPD policies, and the manufacturer's recommendations.

2. The requirements in this policy (P&P 4-223) apply to all BWCs, including those such as helmet mounted BWCs used in lieu of chest-mounted BWCs (when approved in accordance with section [III-B-1-b]).

~~2.1. Employees shall wear the BWC in accordance with MPD training, using mounting equipment provided by the Department.~~

~~a. Employees shall wear the BWC facing forward on the outermost garment, in the chest area.~~

~~b.a. The Commander of the Technology and Support Services Division (who oversees BTU) may authorize additional mounting equipment options, and may authorize alternate camera mounts with different placements for specialized units or functions.~~

~~E.A. BWC Program Responsibility~~

~~1. Business Technology Unit responsibility~~

~~The Business Technology Unit (BTU) is responsible for the technological aspects of the BWC program, including device support and maintenance.~~

~~2.1. Quality Assurance responsibility~~

~~The BWC Quality Assurance Unit is responsible for oversight of the BWC program, and ensuring policy adherence.~~

~~3.1. Policy Review and Audit~~

~~a. The BWC program and any associated policy shall be reviewed as necessary, with any appropriate changes occurring as a result of input received.~~

~~b.c. The BWC program shall be independently audited in accordance with existing law.~~

E. Responsibility for ICC Equipment

The member assigned to an MPD vehicle is responsible for the ICC installed in that vehicle for the duration of their shift. Members are required to make proper notifications in the event ICC equipment is non-operational ([III-H]).

F. Duty to Report

All ~~employees-members~~ are required to report misconduct or other violations in accordance with the ~~Professional Code of Conduct chapter (P&P 5-100) and the Internal Affairs Process chapter (P&P 2-100)~~ Duty to Report policy (P&P 2-101).

~~G.A. Assignment of BWCS~~

~~BWCs shall be assigned to all sworn personnel. BWCs may be assigned to other personnel at the discretion of the Chief of Police or the Chief's designee.~~

H.G. Failure to Adhere to Policy

~~Employees~~ Any member failing to adhere to this policy or applicable laws regarding the use of BWCs-recording systems and any associated data, including but not limited to restrictions regarding accessing such data, ~~will may be~~ subject the member to discipline, up to and including termination, or other remedial action such as coaching or training.

IV.III. Procedures/-Rules/ Regulations

A. Employee Responsibilities

1.A. Charging BWCs

~~Employees-Members assigned a BWC~~ shall keep it their BWC charged between shifts so that it is fully charged at the start of a shift.

2.B. Wearing and Powering on BWCs

~~Employees~~ Members shall wear the BWC in accordance with MPD policy and training, using mounting equipment provided by the Department.

1. BWC placement

- a. ~~Employees~~ Members shall wear the BWC facing forward and unobstructed, on the outermost garment, in the chest area.
- b. The Commander of the Technology and Support Administrative Services Division (who oversees the Business Technology Unit (BTU)) may authorize additional mounting equipment options, and may authorize alternate camera mounts with different placements for specialized units or functions.

2. Requirements and authorized exceptions for wearing a BWC

a. ~~In Uniform~~ When in Class 'C' uniform

~~Employees assigned a BWC and working in uniform (Class A, B, C or D in accordance with 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 employees working at a precinct front desk.~~

Members working in a Class 'C' uniform (P&P 3-114) shall wear the BWC at all times while on duty.

b. When not in Class 'C' uniform

~~When working in uniform, investigators assigned a BWC shall wear it in accordance with the rest of this policy. Investigators~~ Sworn members working in plainclothes ~~clothes other than the Class 'C' uniform (P&P 3-114) who are assigned a BWC are not required to wear the BWC~~ it during their on-duty shift except when executing a search warrant in the field or when ordered to by a supervisor.:

- When participating in activities likely to require activation per section [III-E] (this includes canvassing, execution of search warrants of structures, vehicles, etc.).

or

- ii. When ordered by a supervisor, subject to the undercover operation exception below.

iii. ~~The Lieutenant or Commander who oversees units focused on outreach and engagement (such as the SROs or GET) may determine whether their employees should wear the BWC when working in such assignments in soft uniforms (anything other than the full uniform that bears police markings).~~

b.c. Plainclothes During undercover operations

i. ~~Employees~~ Members are not required ~~do not need~~ to wear the BWC during plainclothes undercover operations (P&P 10-202) in which displaying or when indicating their status as a law enforcement employee-member 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.~~

d. Suspicious hazard calls and sweeps for explosives

Members are not required to wear the BWC when responding to suspicious hazard calls or during protective sweeps and searches for explosives or explosive devices, as directed by a supervisor.

e. When working under the command of another agency

While performing law enforcement activities under the command and control of another law enforcement agency, MPD members assigned a BWC shall wear and operate the BWC in compliance with this policy (4-223) (for example, members serving on a task force).

f. ~~When working o~~Off-duty employment

This section applies to off-duty employment as defined in P&P 3-801.

i. Use ~~of~~ BWC during uniformed off-duty work

Employees~~Members~~ assigned a BWC shall use it ~~and comply with this policy~~ during off-duty work when it is within the city of Minneapolis and involves wearing the MPD uniform, ~~and the employees shall comply with the BWC policy.~~

~~BWC use only for approved jobs~~

BWC use is allowed only for approved off-duty jobs within the City of Minneapolis, and only while wearing the MPD uniform.

ii. No MPD BWC use for other agencies

Employees~~Members~~ shall not use MPD-issued BWCs while working ~~off-duty~~ for another law enforcement agency.

~~c. Entering Centers for Domestic or Sexual Violence Victim Advocacy~~

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

~~d.a. Legal Proceedings~~

~~Employees shall power off the BWC for any court room proceeding, deposition or similar legal proceeding. Employees shall power on and activate the BWC if a situation requiring activation occurs.~~

3. Power on the BWC

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

This also applies to employees ~~including when~~ working at a precinct front desk, subject to the following exceptions:

a. Legal ~~p~~Proceedings

Employees~~Members~~ shall power off the BWC for any court-room proceeding, deposition or similar legal proceeding. Employees~~Members~~ shall power on ~~the~~ BWC and activate the BWC if a situation requiring activation occurs~~taking enforcement~~ action and shall inform the public of the recording as required by [II-C].

b. Suspicious hazards and sweeps for explosives

Members are authorized to power off the BWC when responding to suspicious hazard calls and during protective sweeps or searches for explosives or explosive devices, as directed by a supervisor.

Note: When a BWC is powered on prior to activation, it will capture a pre-event recording upon activation of 60 seconds of video (no audio).

C. Logging In and Out of the ICC System

Members using an ICC-equipped vehicle shall log in to the system before operating the vehicle, shall remain logged in for the shift, and shall log out at the end of the shift.

3.D. Startup Checks

1. BWC startup checks

~~Employees~~ Members shall conduct a BWC ~~s~~Startup ~~c~~Check to ensure that equipment is working properly at the beginning of their shift.

a. A ~~s~~Startup check consists of:

- Confirming that the BWC is the member's assigned BWC.
- ~~a~~ Activating the camera-BWC to ensure it properly enters Record Mode, and does not display any error indicators.
- Confirming that the BWC is operational and fully charged.

~~a.b.~~ Any problems shall be handled in accordance with the section on Problems with the BWC-Recording Systems Equipment (section [III-H]).

~~b.c.~~ Once the BWC is activated for the startup check, the ~~employee-member~~ shall ~~state~~ narrate the following information prior to deactivating:

- Name.
- Badge number (or Employee ID for ~~civilians~~ non-sworn members).
- Call sign.

~~4.1. Problems with the BWC Equipment~~

~~a. Employees shall directly notify their immediate supervisor as soon as practical of any:~~

- ~~• Missing equipment.~~
- ~~• Damaged equipment.~~
- ~~• Malfunctioning equipment (including when either or both of the audio or video recording functions is malfunctioning).~~
- ~~• A loss of BWC battery power (including if the BWC does not maintain a charge for a full regularly assigned shift).~~

~~b. a. The notification to the supervisor must be made without unnecessary delay.~~

~~c. a. As soon as practical, employees shall submit a ticket with the IT Service Desk to report the problems (in accordance with P&P 4-219).~~

~~d. Employees shall document in the Police Report any problems they encountered with their primary BWC while responding to an incident. The employee shall also note if they are using a replacement BWC. If a Police Report is not required, the employee shall document the problems in CAD.~~

2. ICC startup checks

Members shall conduct an ICC startup check prior to responding to calls at the start of their shift.

a. A startup check consists of:

- Activating the ICC to ensure it enters Record Mode, and does not display any error indicators or have any issues with audio or video.
- A date and time test of the in-car monitor.
- A visual and physical inspection of the vehicle, including walking around the full exterior.

b. Any problems shall be handled in accordance with the section on Problems with the Recording Systems Equipment. (section III-H).

c. Once the ICC is activated for the startup check, the member shall narrate the following information prior to deactivating:

- Name.
- Badge number (or Employee ID for non-sworn members).
- Call sign.
- Vehicle P #.
- A description of any damage to equipment or the vehicle observed during the startup check.

d. The ICC startup check may be conducted at the same time as the BWC startup check.

5. BWCs and Mobile Video Recording (MVR) equipment

~~a. Employees equipped with a BWC who are operating a squad car equipped with Mobile Video Recording (MVR) equipment shall activate the MVR equipment as required by policy and shall also activate the BWC in compliance with this policy.~~

~~b. Employees wearing a BWC are not required to wear an MVR microphone.~~

6.E. Activation of BWCs and ICCs

1. Situations resulting in automatic activation of BWCs and ICCs

a. BWCs are automatically activated by the following trigger events:

- i. A member is logged into the ICC system, has their BWC paired with the system, and switches their emergency lights to the third position.
- ii. A member energizes their conducted energy weapon (CEW) (P&P 5-309).

b. The exterior-facing (front and back) and interior-facing ICC are automatically activated by the following trigger events:

- i. When a member switches the emergency lights to the third position.

a.2. Situations requiring Required BWC Activation

Employees Members shall activate their BWC for the following circumstances:

i.a. When enroute dispatched or assigned to a call for service or to any request for law enforcement assistance, 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. When responding in a vehicle, "enroute" means starting to drive to the location.

i. When self-initiating a call, as soon as possible and prior to contacting a person or exiting a squad.

b. Prior to making an investigatory contact Beginning a field interview.

c. Prior to taking any law enforcement action. For any enforcement action, or activity likely to lead to enforcement. This includes but is not limited to:

- Upon developing reasonable articulable suspicion for a stop.
- Conducting or attempting to conduct a stop, search, or arrest.
- Using force.
- Executing a warrant.
- ii. • Disorderly conduct and obstruction of legal process offenses.

iii.a. Prior to making an investigatory contact.

d. When taking a complaint or a report of crime, in person or over the phone.

iv.e. When any situation involving the public becomes adversarial.

v.f. When beginning a professional service interaction Prior to assisting a citizen during in-person encounters, other than when providing basic verbal assistance (such as giving directions).

g. When any non-member is transported in the member's vehicle, excluding employees of another law enforcement agency, ride-alongs, or other City employees in their official capacity. Activation shall occur prior to placing the person in the vehicle, whenever feasible, regardless of whether transportation will begin immediately following activation.

vi.h. When directed to activate ~~the BWC~~ by a supervisor.

i. While performing law enforcement activities under the command and control of another law enforcement agency in accordance with MN Statute 626.8473, Subd. 3(b)(3).

~~Examples of situations that require activation include, but are not limited to:~~

- ~~• Any in-person contact (including at a precinct front desk, during a business check or while on a foot beat) involving allegations of criminal activity, suspicious or unlawful behavior, a complaint of misconduct or another situation requiring activation. This includes any contact with a reporting person, victim, suspect or witness, subject to the exceptions listed in the deactivation section.~~
- ~~• Traffic stops.~~
- ~~• Suspicious Person stops.~~
- ~~• Suspicious Vehicle stops.~~
- ~~• Any vehicular response requiring emergency driving or emergency response as defined by MPD P&P 7-401.~~
- ~~• Vehicle pursuits.~~
- ~~• Work-related transports not involving a ride-along or another City employee in their official capacity as a City employee.~~
- ~~• Any search, including but not limited to searches of vehicles, persons, and buildings. This excludes searches that could reasonably involve the presence of explosives, and also excludes protective sweeps for explosive devices.~~
- ~~• Any contact involving physical or verbal confrontations.~~
- ~~• When advising a person of their Miranda rights, if not inside of a secure law enforcement facility where the MPD is already creating a recording through another approved method.~~
- ~~• Any use of force situation. If a BWC is not activated prior to a use of force, it shall be activated as soon as it is safe to do so.~~
- ~~• Any tactical entry or forced entry into a building.~~
- ~~• Supervisors responding to a scene.~~

3. Situations requiring ICC activation of exterior-facing cameras

a. Members shall ensure their exterior-facing ICCs (front and back) are activated for the following circumstances:

ii. Every stop or contact involving a motor vehicle.

iii. Any response requiring emergency driving or emergency response as defined by P&P 7-401.

iv. Vehicle pursuits.

b. If the ICC was not automatically activated, members shall manually activate the ICC for the above situations.

4. Situations requiring ICC activation of all cameras

c. Members shall activate their exterior-facing (front and back) and interior-facing ICCs in the following circumstances:

i. Interviews conducted inside the vehicle.

ii. When any person is transported in the member's vehicle, other than employees of another law enforcement agency, ride-alongs, or other City employees in their official capacity.

d. Activation shall occur prior to or as soon as placing the person in the vehicle, whenever feasible, regardless of whether transportation will begin immediately following activation.

e. If the ICC was not automatically activated, members shall manually activate the ICC for the above situations.

b.5.Changing sSituations

If a situation not requiring activation changes to a situation require-requiring activation, the employee-member shall immediately activate the BWC as soon as it is safe to do so.

6. Interviews with cCrime vVictims

a. If employees will be conducting an initial interview with a crime victim, employeesmembers should advise the victim that the cameraBWC will be on and activated during the interview.

i. If the victim raises concerns with the camera being activated, the employee-member can turn the camera away to record audio but avoid capturing the video.

ii. If the victim refuses to be interviewed with the camera on, the employee-member may, but is not required to, temporarily deactivate or power off the camera to facilitate the interview (in accordance with the requirements of section [III-F-4]).

aa. EmployeesMembers should consider the circumstances and what is most beneficial to all involved-conducting interviews with victims of domestic or sexual 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). Factors to consider may include the type of call and the vulnerability of the victim, such as the victim of a sexual assault.

ab. Members shall document the reason for the deactivation as required by [III-F].

If the employee 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.

7. Special situations for BWCs

e.a. Strip ~~s~~Searches

i. Unless the person requests that a strip search be captured on video (in accordance with P&P 9-203), All strip searches shall be audio recorded by the BWC of at least one ~~person-MPD member~~ present during the entirety of the strip search, including all pre-search instructions provided to the person being searched.

ii.i. For audio-only recordings, ~~T~~the camera shall be positioned to ensure that ~~only~~ audio data is collected and that the person being searchedthe search is not captured on video.

b. Health care facilities

i. If members are with a detained person in a health care facility, they shall have their BWC activated in accordance with the requirements above.

aa. Members may deactivate their BWC when guarding detained people at a health care facility for extended periods of time, if no other activation conditions are met (it must be activated if there will be contact with the person, if the person becomes combative, etc.).

ii. If the member is not with a detained person, but is inside a medical facility, they shall not activate the BWC until just prior to meeting with a complainant or victim on a call for service or when BWC activation is otherwise required under this policy.

iii. Members shall be aware of patients' rights to privacy in hospital settings. Members should attempt to avoid recording patients during medical or psychological evaluations or treatments. When recording in medical facilities, members shall attempt to avoid recording medical documents and people other than the person of interest.

c. Community ~~m~~Meetings

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

d. Phone ~~c~~Calls

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

e. MPD interview rooms

- i. Members are not required to activate BWCs or may deactivate them while conducting interviews inside of an MPD facility, when MPD is already creating an audio and video recording through another approved method (such as Milestone- see P&P 4-225).
- ii. At least one member shall have a BWC activated while moving a detained person inside the facility.

d.8. Failures to activate and late activations

i.a. If there is a failure to activate ~~the BWC~~ or a late activation ~~for the BWC or ICC~~ in any of the above situations, the ~~employee-member~~ shall document the reasons for the failure in the Police Report.

b. Documentation shall begin with the following prefix: "BWC:" or "In-car:" or "BWC/In-car:", followed by the reasons for the documentation.

ii.i. If a report ~~will not be prepared~~ is not required, the reason(s) for the failure to activate ~~or late activation~~ shall be documented via added remarks in CAD ~~that include the language "BWC Failure"~~, as soon as practical.

ii. If the ~~employee-member is unable to add~~ ~~does not have access to a squad computer to enter added~~ remarks directly, the ~~employee-member~~ shall contact MECC via radio or phone as soon as practical and request the reason(s) be added to the remarks in CAD.

aa.iii. Members shall also notify their supervisor by phone or in person of the failure to activate or late activation, as soon as practical.

~~ab.aa. Documentation shall begin with the following prefix: "BWC:", followed by the reason for the documentation.~~

~~e.a. Community Meetings~~

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

~~f.a. Phone Calls~~

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

~~g.a. Interviews with Crime Victims~~

~~i. If employees will be conducting an initial interview with a crime victim, employees 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 employee can turn the camera away to record audio but avoid capturing the video.~~

~~ab.aa. If the victim refuses to be interviewed with the camera on, the employee may deactivate or power off the camera to facilitate the interview.~~

~~ii.i. Employees conducting interviews with victims of domestic or sexual 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 employee 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.~~

7.F. Deactivation of BWCs and ICCs

1. Narration of BWC deactivation reason

Prior to deactivating their BWC, members shall narrate the reason for the deactivation, including at the conclusion of the event and prior to each early or temporary deactivation.

— If a BWC is deactivated prior to the conclusion of an event, employees shall describe the reason by narration prior to deactivation.

— Supervisors deactivating to perform administrative functions shall describe the reason by narration prior to each deactivation, or following reactivation.

a.2. Record until Event Conclusion

Once activated, the BWC and ICC shall be left in the R-record Mmode until the conclusion of the event concludes.

The conclusion of the event conclusion occurs means both of the following ([a] and [b]) apply: when either the employee or citizen(s) has left the scene or a detention or transport has concluded.

a. No more enforcement action or on-scene investigation is reasonably anticipated.

i. The BWC and ICC may be deactivated if an event has otherwise concluded but the employee member remains at the scene to prepare reports or for another a similar reason not involving a situation requiring that does not require activation.

ii. In tow situations, members may deactivate their BWC and ICC after the vehicle has been processed and the members are waiting for the tow truck to arrive. This does not apply to vehicles being towed to the Forensics garage. While waiting for the tow, BWCs shall be reactivated if the member is approached, or for any other reason requiring activation ([III-E]). The BWC shall be reactivated upon arrival of the tow truck.

b. Any transport by the member is complete.

- i. If a transport involves a transfer of custody, the event is not concluded until the transfer is complete.

i. When transporting ~~arrestees-detained people~~ to the Hennepin County Jail, members shall keep the BWCs and ICCs activated while the person is in the vehicle, the transfer may be considered complete at the intake door from the secure garage (threshold of the person sally port) unless custody has been transferred prior to that point, and the BWC may be deactivated in line with Jail policy. It should remain activated within the garage while MPD retains custody and should be reactivated at the intake door if custody is returned to the MPD (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~~ secure search area.

aa. Members may deactivate the BWCs and ICCs after personally transferring custody to Jail staff in the secure search area.

ii.ab. If custody is returned to MPD, BWCs and ICCs shall be reactivated prior to exiting the intake door into the garage.

iii. ~~The BWC may be deactivated if an event has otherwise concluded but the employee remains at the scene to prepare reports or for another similar reason not involving a situation requiring activation.~~

When in doubt, members shall continue to record the interaction if it is reasonable to do so.

b.3.Deactivation during cCritical iIncidents–Deactivation

All involved, witness and escort ~~employees-members~~ in a ~~cCritical iIncident~~ (P&P 7-810) shall leave their BWCs and ICCs activated while on scene, until directed otherwise by the Incident Commander.

i.a. The Incident Commander shall not direct the ~~D~~deactivation of BWCs ~~must be until~~ after the Public Safety Statement is completed, ~~at a minimum~~.

ii.b. When the BWCs or ICCs have been deactivated, ~~in accordance with this section on Critical Incidents, employees-members may shall~~ reactivate if ~~they feel it is~~ appropriate, and shall reactivate if otherwise required by ~~the BWC~~ policy.

4. Temporary ~~d~~Deactivation

When an event is still in progress, the BWC and ICC may be temporarily deactivated in the following situations; but shall be reactivated as soon as the temporary situation has concluded or if ordered to by a supervisor, ~~and the required documentation shall be made according to the Early Deactivation section:~~

a. To protect the identity of an ~~employee~~ a member in an undercover capacity ~~or during a plainclothes operation~~.

b. To protect the identity of a confidential informant.

- c. To interview a crime victim in accordance with the requirements and considerations in [III-E-6] If a request is made for a BWC to be turned off by a party being contacted, the employee should take into account the overall circumstances and what is most beneficial to all involved, before deciding to honor the request. For example, an employee 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.
- d. During searches that could reasonably involve the presence of explosives or explosive devices and during protective sweeps for explosives or explosive devices, as directed by a supervisor.
- e. When ~~ordered~~ directed to by a supervisor for tactical decisions, investigative strategy, or administrative tasks, if the member is not in contact with a detained person, victim or witness. Both the employee and supervisor shall document the reason for the deactivation as described in the Report Writing section of this policy.
- f. During tactical operations (such as an Operation 100s), only if the Incident Commander has the discretion to approve the deactivation of member's BWCs to conduct operational planning away from public contact ~~deems it necessary.~~
- g. When performing administrative functions away from public contact.
- h. ~~Notwithstanding the above,~~ Once an event has been stabilized and if the ~~employee~~ member reasonably believes there is no longer audio or visual evidence to capture, and that none of the circumstances requiring activation (III-E) will likely occur, the BWC and ICC may be deactivated during activities such as:
- Monitoring assigned traffic posts.
 - Standing at the perimeter of Code 4 scenes, with no interactions occurring. The BWC shall be reactivated if the member is approached, or for any other reason requiring activation.
 - The incident or event is ~~of such duration~~ so long that the member must ~~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.).
- i. When supervisors are conducting force reviews (P&P 5-303) on-scene, the member may deactivate their BWC to allow the supervisor to review the recording.
- i. Members shall leave their ICCs activated (when applicable).
- ii. The member shall reactivate the BWC after the review is completed if the event has not concluded (as described in [III-F-2]).

e.5. Early ~~d~~Deactivation documentation and notification

i. ~~Narration~~

~~aa. If a BWC is deactivated prior to the conclusion of an event, employees shall describe the reason by narration prior to deactivation.~~

~~ab.aa. Supervisors deactivating to perform administrative functions shall describe the reason by narration prior to each deactivation, or following reactivation.~~

ii. ~~Documentation~~

aa.a. If a Police Report will be prepared, members who were not able to narrate the reasons for early deactivation on BWC (due to power failure, etc.) and the reason shall ~~also be documented~~ the reasons in the employee's Police Report or statement in the Police Report.

ab.i. If a Police Report will not be prepared, the reasons for the early deactivation in the above situation shall be documented via added remarks in CAD, as soon as practical.

ae.aa. If the employee member does not have access to a squad computer to enter added is unable to add remarks directly in CAD, the employee member shall contact MECC via radio or phone (for Channel 7) as soon as practical and request the reason(s) be added to the remarks in CAD.

ad.ab. Documentation shall begin with the following prefix: "BWC:" or "In-car:" or "BWC/In-car:", followed by the reasons for the documentation deactivation.

~~Supervisors performing administrative functions may summarize their associated deactivations in any required documentation.~~

ae.b. Members shall notify their supervisor of any interruptions or early deactivations, as soon as practical.

d.6. Accidental ~~d~~Deactivation

i.a. If an accidental deactivation is discovered, the BWC or ICC shall be immediately reactivated.

ii.b. The employee member shall narrate the cause of the accidental deactivation as soon as practical, and shall follow the other written reporting requirements for early deactivations.

e. ~~Stabilized Events~~

~~Notwithstanding the above, once an event has been stabilized and if the employee 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.a. 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 to by a supervisor, and the required documentation shall be made according to the Early Deactivation section:~~

- ~~i. To protect the identity of an employee in an undercover capacity or during a plainclothes operation.~~
- ~~ii.i. To protect the identity of a confidential informant.~~
- ~~iii.i. If a request is made for a BWC to be turned off by a party being contacted, the employee should take into account the overall circumstances and what is most beneficial to all involved, before deciding to honor the request. For example, an employee 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.i. When ordered to by a supervisor. Both the employee 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.G. Uploading and Classification

a.1. Classify events prior to upload

~~Members shall classify BWC and ICC events 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 member's shift.

b.2. Upload BWC data at conclusion of shift

Employees-Members shall upload all BWC ~~digital~~ data at the conclusion of their shift by placing their BWC in the assigned docking stations or ~~utilizing-using~~ other ~~department~~ MPD-approved uploading procedures.

e.3. Classify events as appropriate

~~Employees/~~Members shall classify ~~recorded BWC and ICC events as appropriate, based on the using the~~ options available ~~under the classification and storage in the~~ software. ~~Multiple categories are permitted, and a~~All applicable categories shall be used. ~~See the BWC and ICC Classification Options and Category Guidelines appendix for definitions for each available category.~~

~~i.a. 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 P&P 4-508, the section in this policy related to Data Requests (in accordance with the Government Data Practices Act and any other applicable laws).~~

~~ii.b. Data may be held longer than the stated retention period in accordance with litigation or other legal requirements, and the section on BWC data retention [IV C-2]P&P 4-508.~~

d.a. Classification options

~~The following classification options will be used:~~

Category	Retention Period	Public Status
(subject to review)		
• Training	1 Year	Nonpublic
• Rert/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	Nonpublic
• Use of Force- Substantial Bodily Harm	7 Years	Public
• Police Discharge of a Firearm	7 Years	Public
• Significant Event	*Min 7 Yrs	Nonpublic
• Non-BWC Data	1 Year	Nonpublic
• 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.~~

~~**Rec 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 and other personnel with written permission from the Academy Lieutenant or Training Division Commander.~~

~~**Accidental Activation:** This category should be used for inadvertent activations by the employee 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 in which use of force was captured, where the force resulted in injuries with substantial or greater bodily harm or death.~~

~~**Police Discharge of a Firearm:** This category should be used for all recordings in which a firearm discharge by an employee was captured, where a notice is required under MN Statute section 626.553 Subd. 2.~~

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

- ~~• Critical Incident;~~
- ~~• Homicide;~~
- ~~• Pursuit involving injuries or significant property damage;~~
- ~~• Squad accident involving injuries or significant property damage;~~
- ~~• Man-made or natural disaster or act of terrorism;~~

- ~~• Any event that an employee or supervisor believes should be brought to the immediate attention of police command staff.~~

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

~~**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 MPD for use in a criminal, civil, or internal investigation.~~

e.4. Case number required

i.a. Whenever a case number is generated from CAD, employees-members shall provide the associated case number document it in the “ID” field for all related BWC and ICC data.

ii.b. When entering Members shall enter the number; ~~it shall be~~ in the standard format of YY-xxxxxx (ex. 16-123456). The dash must be included and no other characters will be used.

f.5. Protected category requirement

If the Protected category is applied, the employee-member shall also add “PROTECTED” at the beginning of the Title field.

g.6. Critical ~~i~~Incidents- ~~U~~uploading ~~d~~Data and cCustody of BWC equipment

i.a. When MPD is the investigating agency, involved and witness employees-members shall maintain custody of their BWC equipment until Crime Lab Forensics Division personnel take custody of ~~the equipment it~~.

aa.i. ~~In the event that~~ If any employees-members will be photographed as part of the cCritical ~~i~~Incident protocol (see P&P 7-810), the employees-members shall leave BWC equipment on their uniform until photographs are completed.

ab.ii. Authorized Crime Lab Forensics Division personnel are responsible for ensuring any BWC recordings are properly uploaded.

iii. ~~In the event that Crime Lab~~ When Forensics 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.

ae.iv. Once all uploads are completed, the assigned force investigators are responsible for authorizing release of the BWC equipment to the employee member or other appropriate personnel.

ad. ~~In the event that Crime Lab personnel are unable to take custody of the BWC, the on-scene investigators shall coordinate custody of the BWC and uploading of the video.~~

~~ii.b.~~ When MPD is the investigating agency, all ~~employees-members~~ except involved and witness ~~employees-members~~ shall upload their BWC data as soon as possible, and no later than the conclusion of their shift.

~~iii.c.~~ When investigation of the incident is transferred to another law enforcement agency, ~~employees-members~~ shall provide their BWC to the investigating agency.

~~i.~~ Uploading of the recordings and physical custody of the BWC will be coordinated with assigned MPD investigators and the outside investigating agency.

7. Uploading BWC data from off-duty shifts (P&P 3-801)

~~a.~~ Any audio/visual BWC data regarding a use of force by or against an ~~employee~~ ~~member~~, 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 ~~member~~ ~~were~~ on duty.

~~b.~~ All other BWC data recorded during off-duty work shall be uploaded by the start of the next on-duty shift, as long as the shift begins within 48 hours of the off-duty shift's conclusion. ~~If except that if the next on-duty shift will begins more than 48 hours later~~ after the off-duty shift concludes, the BWC data shall be uploaded at the conclusion of the off-duty shift.

8. Tagging videos for recognition

It is critically important that officers be recognized and commended for sound tactics, professional service, and for going above and beyond the call of duty.

a. Members shall submit the BWC Recognition form for any BWC recording of exceptional member conduct exemplifying:

- De-escalation.
- Lifesaving.
- Community engagement.
- Positive personal interaction.

b. Supervisors shall submit the form for any recordings they feel include good examples from their subordinates. Supervisors are strongly encouraged to complete a recommendation for awards for any actions they feel merit an award.

~~aa.~~

9.1. Report Writing

~~a. Data Access~~

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

~~b.a. Critical Incidents~~

- ~~i. To capture and document the employees' perceptions and recollections uninfluenced by outside sources, and in accordance with P&P 7-810, involved and witness employees in Critical Incidents are prohibited from reviewing BWC data prior to making their initial Police Report or statement in the Police Report.~~
- ~~ii.i. If authorized by the Chief of Police to review BWC data after making their initial Police Report (in accordance with P&P 7-810), employees may add an additional narrative text after review but shall not alter the initial report.~~

~~c.a. Incidents that are not Critical Incidents~~

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

~~d.a. Items about BWC usage to include in Police Report~~

~~When a Police Report is made, employees 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 and the reason(s) why not, in accordance with the Activation section.~~
- ~~• Early or accidental deactivations, in accordance with the Deactivation section.~~
- ~~• Any malfunction of the BWC equipment in either the recording or the uploading of the event.~~

~~10.1. Off Duty~~

~~a. Use BWC during uniformed off-duty work~~

~~Employees assigned a BWC shall use it during off-duty work when it is within the city of Minneapolis and involves wearing the MPD uniform, and the employees shall comply with the BWC policy.~~

~~b.a. BWC use only for approved jobs~~

~~BWC use is allowed only for approved off-duty jobs within the City of Minneapolis, and only while wearing the MPD uniform.~~

~~c.a. Uploading BWC data from off-duty shifts~~

- ~~i. Any audio/visual data regarding a use of force by or against an employee, 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.i. All other BWC data recorded during off-duty work shall be uploaded by the start of the next on-duty shift, as long as the shift begins within 48 hours of the off-duty shift's conclusion. If the next on-duty shift will begin more than 48 hours later the BWC data shall be uploaded at the conclusion of the off-duty shift.~~

~~d.a. No MPD BWC use for other agencies~~

~~Employees shall not use MPD-issued BWCs while working for another law enforcement agency.~~

H. Problems with the BWC Recording Systems Equipment

1. ~~Employees~~Members shall directly notify their immediate supervisor as soon as practical of any:

- Missing equipment.
- Damaged equipment.
- Malfunctioning equipment (including when either or both of the audio ~~and/or~~ video recording functions ~~are~~is malfunctioning).
- A loss of BWC battery power (including if the BWC does not maintain a charge for a full regularly assigned shift).

2. The notification to the supervisor must be made without unnecessary delay.

3. As soon as practical, ~~employees~~members shall submit a ticket with the IT Service Desk to report the problems (in accordance with P&P 4-219).

4. If a member's BWC malfunctions or loses power, the member shall not conduct enforcement actions until they have a replacement BWC or their BWC is sufficiently charged to maintain power for the remainder of their shift, except for lifesaving purposes or to prevent imminent physical harm.

5. ~~Employees~~Members shall document in the Police Report any problems they encountered with their ~~primary~~ BWC or ICC while responding to an incident. The ~~employee~~member shall also note if they are using a replacement BWC. If a Police Report is not required, the ~~employee~~member shall document the problems in CAD.

6. The City is required to repair or replace any non-functioning or malfunctioning ICCs within 30 calendar days of the ticket submission.

I. Report Writing

1. Data ~~a~~Access

BWC and ICC data may only be accessed in accordance with the section [IV-D] relating to Access of BWC Data and Request for Duplication of Recordings P&P 4-508.

2. Critical Incidents and other level 3 reportable force

- a. To capture and document the employees' members' perceptions and recollections uninfluenced by outside sources, and in accordance with P&P 7-810 and P&P 5-302, involved and witness employees members in cCritical iIncidents and members who use or are physically present and observe other level 3 reportable force are prohibited from reviewing BWC and ICC data prior to being interviewed, or making their initial Police Report or statement in the Police Report completing use of force documentation, unless viewing the data is necessary to address an immediate threat to life or safety in the field. (P&P 5-302).
- b. For incidents that are not critical incidents, members who use or are physically present and observe level 3 reportable force may review BWC and ICC data after being interviewed and after making their initial Police Report. They may add an additional Narrative text after review but shall not alter the initial report and shall note that the additional Narrative text was made after viewing the recordings.
- c. In critical incidents, members may request the Chief of Police to authorize the review of BWC or ICC data in order to add an additional Narrative text after being interviewed and after completing an initial Police Report (in accordance with P&P 7-810). If authorized by the Chief, of Police to review BWC data after making their initial Police Report (in accordance with P&P 7-810), employees members may add an additional Narrative text after review but shall not alter the initial report and shall note that the additional Narrative text was made after reviewing the recording and was authorized by the Chief.

3. Incidents that are not level 3 reportable force or cCritical iIncidents

In incidents that are not level 3 reportable force or cCritical iIncidents, employees members may review their own BWC and ICC data to aid in their documentation, in accordance with the section [IV-D] relating to Access of BWC Data and Request for Duplication of Recordings P&P 4-508 and P&P 5-302.

4. Items about BWC and ICC usage to include in the Police Report

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

- Whether or not the event was captured on the member's BWC or ICC audio or video evidence was gathered relating to the events described in the report.
- If the BWC or ICC was not activated as required and, the reason(s) why not, in accordance with the Activation section [III-E-8].
- Early or accidental deactivations, in accordance with the Deactivation section [III-F].
- Any malfunction of the BWC equipment in either the recording or the uploading of the event.
- When describing force in reportable use of force documentation, whether there are BWC or ICC recordings (P&P 5-302).

- Whether or not the member viewed BWC or ICC recordings prior to completing their report.

B.J. Supervisor Responsibilities

1. Ensure employees-members follow policies and procedures

Supervisors shall ensure that employees-members follow established policies and procedures for the use and maintenance of BWC and ICC equipment and the proper completion of BWC and ICC documentation. ~~This includes the review of BWC recordings and usage data to ensure proper procedures are being followed.~~

- a. ~~The MPD BWC Quality Assurance Unit will establish minimum standards for the review of BWC recordings and usage data.~~ Supervisors shall conduct reviews of BWC recordings and usage data in accordance with ~~these~~ standards maintained by the Implementation Division's Compliance team.
- b. Precinct Inspectors or Division Commanders may also direct their assigned personnel members to conduct additional reviews of BWC recordings and usage data that exceed the established standards ~~established by the MPD BWC Quality Assurance Unit.~~

2. Problems with ~~the BWC e~~Equipment

- a. ~~Supervisors shall ensure that appropriate measures are taken W~~when informed of any problems with BWC or ICC equipment, ~~supervisors shall ensure. This includes ensuring a that the IT service~~ ticket is submitted ~~for the problematic equipment~~ (P&P 4-219), replacing the BWC in question is replaced, and ~~making any all~~ necessary reports are made.
- b. Supervisors shall ensure that employees-members who report an inoperable or damaged BWC are provided with a temporary or replacement BWC as soon as possible, and no later than the beginning of the employee's member's next shift. This may include temporarily assigning a BWC ~~that is notnot~~ currently being used in use.
- c. If the employee-member is using a replacement BWC (as provided by BTU or the employee's member's supervisor), the supervisor shall reassign the recordings accordingly.

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 cCritical iIncidents
 - i. If an incident occurs that involves substantial or great bodily harm or death, the supervisor shall ensure that employees-members 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 ~~C~~ritical ~~I~~ncidents

For ~~C~~ritical ~~I~~ncidents, equipment and uploading shall be handled according to ~~the Uploading and Classification Critical Incident section~~ [III-G-6].

4. Review pertinent video

When conducting ~~force reviews or complaint investigations~~, supervisors shall view any pertinent BWC ~~and ICC~~ video ~~when necessary to complete the review (including from witness members) as part of the review (including from witness employees). This includes during force reviews (P&P 5-303), reviews of enforcement actions (P&P 9-104), monthly check-ins (P&P 1-406), and~~ Supervisors may also view pertinent BWC video as part of any other administrative review.

5. Supervisor authorization and review of BWC deactivation

- a. Supervisors shall only authorize deactivation of BWCs in accordance with this policy.
- b. Supervisors are required to review and approve any documentation from members that provides justification for any lack of activation, late activation, or early deactivation as outlined in sections [III-E] and [III-F] above.
- c. Supervisors that direct members under their command to deactivate BWCs in conflict with this policy may be subject to disciplinary action, up to and including termination.

K. Training

- 1. Employees~~Members~~ shall complete ~~D~~epartment authorized BWC training ~~in the use and operation of the BWCs prior to being assigned a BWC.~~ Members shall complete the Department authorized ICC training prior to using or having access to the ICC systems.
- 2. Only those employees~~members~~ ~~that have been issued a BWC and that~~ have received the Department authorized training may operate a BWC.
- 3. All MPD employees~~members~~ who use the BWC and ICC data storage and access systems shall receive training on these systems and this policy, prior to being granted access.

L. BWC and ICC Program Responsibility

1. Business Technology Unit (BTU) responsibility

The Business Technology Unit (BTU) is responsible for the technological aspects of the BWC and ICC programs, including device support and maintenance, and acts as a liaison between the MPD and City IT.

2. Quality Assurance responsibilityReviews for adherence to policy

The BWC Quality Assurance Unit is responsible for oversight of the BWC program, and ensuring policy adherence. The Implementation Division's Compliance team maintains standards and methods to perform required periodic reviews of a random sample of incidents to assess compliance with this policy and for training purposes.

— Policy Review and Audit

— The BWC program and any associated policy shall be reviewed as necessary, with any appropriate changes occurring as a result of input received.

The BWC program shall be independently audited in accordance with existing law.

M. State Requirement for Policy

The MPD must establish and enforce a written policy governing the use of body worn cameras, in accordance with MN Statute section 626.8473 Subd. 3.

C.A. BWC Data Retention

1. Data will be maintained in a storage system designated and approved by the Department.

a. All data will be backed up by the storage system vendor.

b.a. BWC video shall only be stored in a database that is CJIS compliant (such as evidence.com, One Drive and Share Point). BWC video shall not be stored in any other database, including the M drive. Video shall not be stored on computer hard drives.

2.1. Data will be retained in accordance with applicable law, this policy and the City of Minneapolis records management retention schedule. Data may be retained past the scheduled retention period as required by MN Statute section 13.825 Subd. 2 and Subd. 3.

D.A. 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 Commander of the Technology and Support Services Division (who oversees BTU), and only for a legitimate, specified law enforcement purpose.

a. Such permission must include the level of access to be granted to the individual, and any other restrictions that should be placed on the access.

b.a. BTU will periodically review the user access list to ensure that access levels are appropriate and have been duly authorized.

~~2.1. 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.~~

~~3.1. Requests for data~~

~~All BWC recordings are the property of the MPD and original BWC recordings shall remain in the sole custody of the MPD, unless necessary for the preparation of civil, criminal or administrative matters, used in court as evidence, provided to an expert for analysis, provided to another law enforcement agency in the scope of their investigation, if required to be provided to another by lawful order or as may otherwise be required by the Minnesota Government Data Practices Act or other applicable law.~~

~~a. MPD records policy~~

~~All recordings shall be handled in accordance with the Department's records policy (P&P 4-501).~~

~~b.a. Public requests and redaction~~

~~Public requests for BWC recordings shall be referred to the Records Information unit and will be considered in accordance with the Minnesota Government Data Practices Act or other applicable law.~~

~~i. The public, non-public or confidential status will be determined in accordance with the Minnesota Government Data Practices Act or other applicable law in relation to the specific request.~~

~~ii.i. Data subjects have access to the data, subject to the conditions in the Data Practices Act, including but not limited to MN Statute section 13.825.~~

~~iii.i. All entities with access to the BWC data are responsible for ensuring they only handle and release BWC data in accordance with MN Statute.~~

~~iv.i. Any necessary and lawful redaction or other editing of BWC recordings shall only be completed by Authorized Personnel in the course and scope of their lawful job duties and in accordance with record retention laws and policies and the provisions of this policy.~~

~~aa. Data that are public may be redacted or access may be withheld to portions of the data if those portions of data are clearly offensive to common sensibilities, in accordance with MN Statute section 13.825 Subd. 2.~~

~~ab.aa. If a data subject requests that data or requests that it be made public, data on other subjects will be redacted as required by MN Statute section 13.825, where applicable.~~

~~ac.aa. The original recording shall remain intact and stored within the department authorized storage system in accordance with record retention laws and policies.~~

~~c.a. MPD personnel requests for duplication~~

~~Requests by MPD personnel for duplication of BWC data for purposes of official MPD business shall be directed to the Records Information unit.~~

~~d.a. Outside agency requests for duplication~~

~~Requests by outside agencies for duplication of BWC data shall be directed to the Records Information unit.~~

~~e.a. Sharing BWC recordings with public or employees~~

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

~~f.a. Sharing with partner agencies~~

~~Employees 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.i. The BWC data is shared to aid another public safety agency in an active criminal investigation.~~

~~4.1. Data use for training purposes~~

~~Recorded data may only be replayed or displayed for training purposes with the approval of the Deputy Chief of the Professional Standards Bureau. Nothing herein prohibits Training Division staff from having access to BWC recording for the purpose of planning training.~~

~~5.1. 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 employee~~
- ~~• In situations where evidence of employee 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.~~

~~6.1. Data access in Critical Incidents~~

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

~~7.1. 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.~~

~~E.A. Notice to Data Subjects~~

- ~~1. If a person brings an action in district court under MN Statute section 13.825 Subd. 2, the MPD shall give notice to any data subjects in the video in question who did not receive notice from the person bringing the action, if known.~~
- ~~2.1. If the MPD has retained a recording in accordance with MN Statute section 13.825 Subd. 3 paragraph (c), the MPD shall notify the requester after the time period is up that the recording will then be destroyed unless a new request is made under that paragraph.~~
- ~~3.1. If the MPD discovers or is notified of a breach in the security of the data, data subjects, if known, will be notified in accordance with MN Statute section 13.055, Subd. 2.~~

F. Uploading Non-BWC Data

For all video, audio or photographic data uploaded to the storage system that was not video captured by an MPD issued BWC, employees shall follow the requirements in the Uploading and Classification section where applicable, as well as the following requirements:

- ~~1. The category of "Non-BWC Data" shall be applied, along with all other applicable categories.~~
- ~~2. Whenever a case number is generated from CAD, employees shall provide the associated case number in the "ID" field for all related data.~~
 - ~~a. When entering the number, it shall be in the standard format of YY-xxxxxxx (ex. 16-123456). The dash must be included and no other characters will be used.~~

IV. Definitions

Activation of BWCs and ICCs: Any process that causes the body worn camera (BWC) system or in-car camera (ICC) to record audio or video data. (P&P 4-223)

1. -Activation may occur automatically due to a trigger event or can be done manually.
2. Activation will be done manually. Activation of a BWC can only occur when the BWC is already powered on.

Authorized Personnel/BWC Data Managers: Personnel or assignments designated by the Chief or the Chief's designee, in writing, to manage-administer data recorded-captured by the body worn cameras (BWCs). Such management-administration includes duplication, redaction and lawful destruction of data as required by law and the City of Minneapolis' Records Retention PolicySchedules. Designated personnel or assignments may include, but ~~is-are~~ not limited to: Records Management Specialists, Crime LabForensics Division pPersonnel and Business Technology Unit Ppersonnel.

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

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

BWC Quality Assurance Unit: The BWC Quality Assurance Unit within BTU is responsible for oversight of the BWC program and ensuring policy adherence.

BWC Uploading: The act of transferring recorded data from the BWC to the storage server.

BWC or ICC Recordingsed 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). Recordings made with either an MPD-issued body worn camera (BWC) or in-car camera (ICC).

BWC and ICC Recording Systems: Recording systems and recording equipment include both body worn cameras (BWCs) and in-car cameras (ICCs).

CAD (Computer Aided Dispatch): ~~CAD is t~~The electronic system used to manage law enforcement resources in relation to calls for service.

Classify BWC and ICC Events: To categorize an event that has been recorded by a body worn camera (BWC) or an in-car camera (ICC) and for which a predetermined retention period has been set.

Critical Incident: Per the Critical Incident policy (P&P 7-810), a Critical Incident is an incident involving any of the following situations occurring in the line of duty:

- ~~The use of Deadly Force by or against a Minneapolis Police employee;~~
- ~~Death or Great Bodily Harm to an employee;~~
- ~~Death or Great Bodily Harm to a person who is in the custody or control of an employee;~~
- ~~Any action by an officer that causes or is intended to cause Death or Great Bodily Harm.~~

Deadly Force: ~~As defined by MN Statute section 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." (MN Statute section 609.066)

Deactivation of BWCs and ICCs: Any process that causes the body worn camera (BWC) system or in-car camera (ICC) to stop recording. Deactivation can be done manually or can occur accidentally.

~~**Designated Upload Site:** Location where employees complete the task of uploading BWC recordings to a storage server through a PC using the SYNC program or through a docking station.~~

~~**Employee:** The term “employee” includes all sworn and non-sworn employees regardless of rank.~~

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. (MN Statute section 609.02 Subd. 8)

ICC System: Audio and video recording equipment designed for fixed installation in patrol vehicles that includes at a minimum: a camera, external microphone, recorder and LCD monitor.

~~**Mobile Video Recorder (MVR):** Audio and video recording equipment designed for fixed installation in patrol vehicles that includes at a minimum: a camera, microphone, recorder and LCD monitor.~~

Manually Activate the ICC: Activation of in-car camera (ICC) equipment that is not caused automatically by a trigger event. Members may activate the ICC equipment via the ICC dashboard.

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

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

Pre-Event Recording: Video stored by the body worn camera (BWC) and in-car camera (ICC) recording systems prior to manual activation. This is a configurable feature for the digital ~~BWC~~ system and is preset to record video ~~only~~ ~~(no but not~~ audio) for 60 seconds prior to manual activation. The pre-event recording is included as part of the incident and is viewable during playback.

Record Mode: When the body worn camera (BWC) or in-car camera (ICC) 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).~~

Trigger Event: An event or member action that causes the body worn camera (BWC) or in-car camera (ICC) to begin recording automatically.

BWC-Uploading: The act of transferring recorded data from the BWC recording system to the storage server.

Appendix: BWC and ICC Classification Options and Category Guidelines

(xx/xx/xx)

I. Classification Options

The following classification options will be used by members for body worn camera (BWC) and in-car camera (ICC) recordings:

Category	Retention Period	Public Status
(subject to review)		
• Training	1 Year	Nonpublic
• <u>Recruit/Academy</u>	1 Year	Nonpublic
• Accidental Activation	1 Year	Indefinitely* Nonpublic
• Startup Check	1 Year	Nonpublic
• Non-Evidence/General Recording	1 Year	Nonpublic
• Protected	1 Year	Nonpublic
• <u>Citizen Misconduct Complaint</u>	3 Years	Indefinitely* Nonpublic
• Evidence/General Recording	7 Years	Nonpublic
• Use of Force- Other Level 1, 2, 3	7 Years	Nonpublic
• Use of Force- Substantial Bodily Harm	7 Years	Public
• <u>Critical Incident</u>	Permanent	
• Police Discharge of a Firearm	7 Years	Permanent Public
• Significant Event	*Min 7 Yrs	Permanent Nonpublic
• Non-BWC Data	1 Year	Nonpublic
• Citizen Evidence	1 Year	Nonpublic
• Supervisor Review	7 Years	
• Records Unit/RA Only	1 Year	

* No automatic deletion. These will only be deleted by Authorized BWC Data Managers, when approved. ~~Until Manually Deleted/Indefinite Retention (Minimum of 7 years)~~

II. Category Guidelines

Members shall use all applicable categories for BWC and ICC data (P&P 4-223), based on the below descriptions:

Training: ~~This category should be used~~ F for events that were recorded during BWC or ICC training sessions, or other training sessions where BWC or ICC data may have been recorded.

Recruit/-Academy: ~~This category is~~ F 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 and other personnel with written permission from the Academy Lieutenant or Training Division Commander.

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

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

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 F for all recordings requiring a special level of review such as those capturing individuals people with confidential identities or proprietary tactics.

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

Evidence/General Recording: This category should be used F for all general contacts, and all recordings associated with any call for service, investigation, offense, citation, arrest or report of crime (regardless if of whether the employee member 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 Level 1, 2, 3: For all recordings in which level 1, 2, or 3 reportable force was captured (P&P 5-302) 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.

Critical Incident: For all recordings in which a critical incident was captured (P&P 5-302).

Use of Force-Substantial Bodily Harm: This category should be used for all recordings in which use of force was captured, where the force resulted in injuries with substantial or greater bodily harm or death.

Police Discharge of a Firearm: This category should be used F for all recordings in which that record, describe, or otherwise document actions and circumstances surrounding the discharge of a member's firearm discharge by an employee was captured, where a notice is required under MN Statute section 626.553 Subd. 2.

Significant Event: This category should be used F 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 accidentcrash involving injuries or significant property damage.;
- Man-made or natural disaster or act of terrorism.;

Any event that an employee or supervisor believes should be brought to the immediate attention of police command staff.

Supervisor Review: For any recording associated with a supervisor's response to the scene to conduct after-the-fact supervisory reviews or functions.

Records Unit/RA Only: For Records unit staff or staff of the Responsible Authority to label a BWC recording that the data subject wants to make public.

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

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 MPD for use in a criminal, civil, or internal investigation.

4-508 BWC and ICC Data Management

(xx/xx/xx)

I. Purpose

Minneapolis Police Department (MPD) members are required to use body worn cameras (BWCs) and in-car cameras (ICCs) in accordance with P&P 4-223. The purpose of this policy is to describe the proper data access, retention, storage, and retrieval processes of data captured by BWCs and ICCs.

II. Procedures/Regulations

A. BWC Data Retention

3. Data will be maintained in a storage system designated and approved by the Department.
 - d. All data will be backed up by the storage system vendor.
 - e. BWC and ICC video shall only be stored in a database that is CJIS compliant (such as evidence.com, One Drive and Share Point). ~~BWC~~The video shall not be stored in any other database, including network drives such as the M drive. ~~Video shall not be stored or on computer hard drives.~~
4. Data will be retained in accordance with applicable law, this policy, the BWC and ICC Classification Options and Category Guidelines appendix, and the City of Minneapolis' ~~records management retention schedule~~Records Retention Schedules. Data may be retained past the scheduled retention period as required by MN Statute section 13.825 Subd. 2 and Subd. 3.

B. Access to ~~BWC~~ Data and Requests for Duplication of Recordings

3. Permission required for system access

Access to the ~~D~~department authorized storage system shall only be granted with written permission from the Commander of the ~~Technology and Support~~Administrative Services Division (who oversees the Business Technology Unit (BTU)), and only for a legitimate, specified law enforcement purpose.

- f. Such permission must include the level of access to be granted to the ~~individual~~person, and any other restrictions ~~that should~~to be placed on the access.

g. BTU will periodically review the user access list to ensure that access levels are appropriate and have been duly authorized, and remove or restrict users as necessary.

4. 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 (see section III-A).

5. Requests for data

All BWC and ICC recordings are the property of the MPD and original BWC-recordings shall remain in the sole custody of the MPD, unless necessary for the preparation of civil, criminal or administrative matters, used in court as evidence, provided to an expert for analysis, provided to another law enforcement agency in the scope of their investigation, if required to be provided to another by lawful order or as may otherwise be required by the Minnesota Government Data Practices Act or other applicable law.

c. MPD records policy

All recordings shall be handled in accordance with the Department's records policy (P&P 4-501).

d. Public requests and redaction

Public requests for BWC or ICC recordings shall be referred to the Records Information unit and will be considered in accordance with the Minnesota Government Data Practices Act or other applicable law.

iii. The public, non-public private, 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.

—Data subjects have access to the data, subject to the conditions in the Data Practices Act, including but not limited to MN Statute section 13.825.

iv. All entities with access to the BWC or ICC data are responsible for ensuring they only handle and release BWCthe data in accordance with MN Statute.

v. Any necessary and lawful redaction or other editing of BWCthe recordings shall only be completed by Authorized PersonnelBWC Data Managers in the course and scope ofaccordance with their lawful job duties, and in accordance with records retention laws and policies, and the provisions of this policy.

ac. Data that are public may be redacted or access may be withheld to portions of the data if those portions of data are clearly offensive to common sensibilities, in accordance with MN Statute section 13.825 Subd. 72.

ad. If a data subject requests that data or requests that it be made public, data on other subjects will be redacted as required by MN Statute section 13.825, where applicable.

ae. The original recording shall remain intact and stored within the ~~D~~department authorized storage system in accordance with record retention laws and policies.

e. ~~MPD personnel~~Member requests for duplication

Requests by ~~MPD personnel~~members for duplication of BWC or ICC data for purposes of official MPD business shall be directed to the Records Information unit.

f. Outside agency requests for duplication

Requests by outside agencies for duplication of BWC or ICC data shall be directed to the Records Information unit.

g. Sharing ~~BWC~~recordings with ~~the public or employees~~with other members

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

h. Sharing with partner agencies

i. BWC and ICC data may be shared only in the following circumstances:

- With the prosecuting authority for a case.
- With the Office of Police Conduct Review (OPCR) when required for official purposes.
- With the City Auditor when required for official purposes.
- As required by law or court order or for legally required oversight purposes.
- With another law enforcement agency for an active criminal investigation.

ii. If BWC data is shared with another entity, the entity that receives the data must comply with all data classification, destruction, and security requirements of MN Statute section 13.825.

Employees may share BWC data with a partner agency when:

—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.

The BWC data is shared to aid another public safety agency in an active criminal investigation.

6. Data use for training purposes

Recorded data may only be ~~replayed or displayed~~presented for training purposes with the approval of the Deputy Chief of the Professional Standards Bureau. Nothing herein

prohibits Training Division staff from having access to BWC-recordings for the purpose of planning training.

7. Data access by ~~employees~~members or as evidence

Data captured by a BWC or ICC may be accessed by a memberan employee, provided the access is in the course and scope of the employee'smember's lawful job duties, or used as evidence relating tosuch as in the following situations:

- Pending administrative, criminal, civil or traffic matters.;
- When investigating a complaint of alleged misconduct.A complaint of misconduct made against an employee
- In situations where evidence of employeemember misconduct is discovered during the course of authorized access (including force reviews).;
- A random or uniform review of BWCthe data with regard to equipment functionality or; policy compliance.;
- Any other purpose authorized under this policy and consistent with State and Federal law.

8. Data access and release in cCritical iIncidents

In any cCritical iIncident, video and audio data shall not be accessed unless approved by the assigned investigating agency, except when necessary to comply with the following requirements for release of BWC data in fatal uses of force:

i. Inspection of BWC data by next of kin within five days

In accordance with MN Statute section 13.825 Subd. 2(b), where applicable:

Notwithstanding MN Statute section 13.82 Subd. 7, if a person dies as a result of a use of force by an MPD member, the MPD must allow the following people, 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 following listed exception:

i. Specified people

The people covered by the next of kin inspection requirement are:

aa. The deceased person's next of kin.

aa. The legal representative of the deceased person's next of kin.

ab. The other parent of the deceased person's child.

"Next of kin" means the surviving spouse or any child of a decedent, or, if there is no surviving spouse or child, the parents of a decedent.

ii. Exception

In accordance with MN Statute section 13.825 Subd. 2(c), the MPD may deny a request to inspect BWC data by the specified people in a fatal use of force, if the MPD determines that there is a compelling reason that inspection would interfere with an active investigation. If the MPD denies access under this paragraph, the Chief must provide a prompt, written denial to the specified person 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 Statute section 13.82 Subd. 7.

j. Release of BWC data to the public within fourteen days

In accordance with MN Statute section 13.825 Subd. 2(d), where applicable:

If a person dies as a result of a use of force by an MPD member, the MPD 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 Chief asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by MN Statute section 13.82, Subd. 7. This release will be communicated in accordance with the City's Critical Incident Communications Plan.

9. No duplication of data by recording devices

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

C. Requests for Deletion or Restriction of Accidental or Mistaken Recordings

1. Submitting the request

- a. In the event of an accidental or mistaken activation of the BWC where the resulting recording has no investigative or evidentiary value, members may request that their immediate supervisor submit a BWC Accidental Recording Restriction or Deletion Request on their behalf.
 - i. Deleting footage exposes the MPD to accusations of tampering. Therefore, requests for deletion of BWC footage shall only be made in instances of unintentional BWC activation during non-enforcement or non-investigative activities (e.g., in the restroom or locker room).
 - ii. If BWC recordings contain evidentiary footage and also contain footage that raises privacy concerns (e.g., undercover officer, filming in a hospital), requests for restriction may be submitted.
 - iii. Deletion requests of footage that depicts policy violations or misconduct shall not be approved.
- b. The supervisor shall complete the request form and indicate if they approve or not.

2. Approved deletion requests

- a. Approved deletion requests will be forwarded to BTU. Upon receipt of an approved deletion request, BTU shall review the recording and determine whether or not the recording had an official purpose or evidentiary value.
- b. If BTU concurs that the recording has no evidentiary value, BTU shall forward the deletion request to the Commander of Internal Affairs for review.
- c. If the Commander of Internal Affairs Division concurs that the recording has no evidentiary value, Internal Affairs shall approve the request and forward it to BTU to delete the recording.
- d. A copy of the Body Worn Camera Recording Deletion Request shall be maintained by BTU.

3. Approved restriction requests

- a. Approved restriction requests will be forwarded to BTU. If BTU concurs that the recording may be set to restricted access, they will forward the request to the Commander of Internal Affairs for review.
- b. If the Commander of Internal Affairs Division concurs with the request, Internal Affairs shall approve the request and forward it to BTU to restrict the recording.
- c. BTU shall include the reasons for the restriction in the recording notes within Evidence.com.

D. Notice to Data Subjects

1. If a person brings an action in district court under MN Statute section 13.825 Subd. 2, the MPD shall give notice to any data subjects in the video in question who did not receive notice from the person bringing the action, if known.
2. If the MPD has retained a recording in accordance with MN Statute section 13.825 Subd. 3 ~~paragraph (d)~~, the MPD shall notify the requester after the time period is up that the recording will then be destroyed unless a new request is made under that paragraph.
3. If the MPD discovers or is notified of a breach in the security of the data, data subjects, if known, will be notified in accordance with MN Statute section 13.055, Subd. 2.