
Body Worn Camera Policy

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INTRODUCTION

This General Order provides guidelines for the Ramsey County Sheriff's Office (RCSO) Body Worn Camera (BWC) system. This includes use of the BWC system, storage and retention, and review and dissemination of data. Policy 446 governs the In-Car Camera (ICC) Systems.

SECTION 1. DEFINITIONS

- A. Axon – The vendor selected by the department to provide BWCs and evidence.com, a cloud-based system for uploading, managing and storing BWC data.
- B. Activate – To manually begin recording. Department BWCs do not automatically record. Deputies must intentionally start the recording. If the camera is powered on prior to the activation of recording, it will create a 30-second buffer of video only.
- C. BWC Project Commander - Commander assigned to the technology unit responsible for auditing BWC use to confirm compliance with the requirements of this policy. Oversees the technical aspects of the BWC program. This includes but is not limited to oversight of evidence.com, the video management unit, technology updates related to BWCs, Quality Control Process, as well as working with the training commander to ensure proper ongoing training of all deputies assigned BWCs.

- D. Buffer - A vendor-configured component of the BWC that records 30 seconds of video only, without audio, prior to a BWC activation. The buffer records only when the BWC is powered on. Audio recording begins when a deputy activates recording.
- E. BWC Data - Audio and/or video data as defined by Minnesota Statute 13.825 collected by a department BWC.
- F. BWC Modes of Operation [Off, On-Buffering, On-Recording]
 - a. Off - The switch of the BWC is in the off position, indicated by the switch positioned towards the outside of the camera with no orange mark visible. The camera does not buffer or record in the off mode.
 - b. On - Buffering. The switch is positioned towards the center of the camera. An orange mark is visible. The camera is powered on, in standby mode, and buffering in a 30-second loop. The buffer records video only, no audio. The camera must typically be worn in the on-buffering position.
 - c. On - Recording. The BWC has been activated by the deputy to record. Audio joins the buffer at the point the BWC is activated by the deputy. Recording continues until the deputy stops recording by returning the BWC to on-buffering mode or by turning the BWC off.
- G. CAD – Computer Aided Dispatch
- H. Categories – Labels given to BWC Data according to the predetermined data classifications of:
 - a. Miscellaneous/Equipment Maintenance/Training
 - b. Civil/Morgan Plan
 - c. General Citizen Contact
 - d. Traffic Stop (Non-Arrest)
 - e. Squad Accident/Accident With Injuries
 - f. Vehicle Pursuit
 - g. Arrest/Evidence/Use of Force
 - h. Criminal Sexual Conduct
 - i. Investigation of a Death/Admin Hold
- I. Critical Incident – Incidents that include, but are not limited to:
 - a. The deputy(s) involved used deadly force through the discharge of a firearm.
 - b. Intentional or accidental use of any other deadly or dangerous weapon that results in high probability of death, or death, as a result of police involvement.
 - c. Attempts to affect an arrest or otherwise gain physical control over a person for law enforcement purposes that result in high probability of death, or death.
 - d. Vehicular incidents related to police actions that result in high probability of death, or death.
 - e. Any incident where the Sheriff, or designee, defines an incident at a critical incident at his or her discretion.
- J. Deactivate – To stop recording.
- K. Discretionary recording – When deputies have the discretion to activate their BWC.

- L. Evidence.com - A cloud-based system provided by Axon to upload, manage and store BWC data. Accounts, permissions and roles within evidence.com are administered by the technology unit.
- M. ICC – In Car Camera – See Policy 449.
- N. Inventory Control - The process whereby a BWC is issued to a specific deputy and a collection of spare cameras is maintained for deputies not assigned a camera. The Office of Information and Technology (OIT) will manage the overall inventory of all department BWCs and docking stations. The designated sergeant is responsible for BWCs assigned to their unit and must report district BWC inventories to OIT.
- O. MGDPA – Minnesota Government Data Practices Act defined by Minnesota State Statute chapter 13.
- P. Memorandum of Understanding (MOU) – An agreement outlining the terms and conditions of any assignment or deputization of a Ramsey County Sheriff’s deputy to a federal task force.
- Q. Metadata - Information related to BWC data. This includes the date, time, case number, and name of the deputy to whom the camera is assigned. Metadata also includes categorization of the video, which sets video retention. Deputies may also add optional searchable notes as metadata.
- R. Mandatory Recording – When the BWC must be activated under this policy.
- S. Mute – Using the capability of the BWC to stop audio recording while continuing to record video.
- T. Prohibited Recording - When a deputy is prohibited from recording under this policy. A recording may be prohibited in a situation (i.e.: interacting with a CSC victim) or in a physical location (i.e.: in a police facility). Inadvertent prohibited recordings will be managed by the video management unit.
- U. Raid Gear Uniform – Defined by policy 1049.
- V. Task Force Deputy - A Ramsey County Sheriff’s deputy assigned to a federal law enforcement agency as a federally deputized task force deputy.
- W. Training Unit Commander – Works with the BWC Project Commander to ensure proper and ongoing training of deputies related to BWCs.

SECTION 2. OVERVIEW

This policy sets out guidelines governing the use of BWCs and administration of BWC data. Compliance with this policy is mandatory. This policy recognizes that deputies must also attend to other primary duties and the safety of all concerned, sometimes in circumstances that are tense, uncertain and rapidly evolving.

BWC Data may be used for law enforcement purposes, internal review and use pursuant to this policy, or public access pursuant to the MGDPA and Minnesota Statutes section 626.8473.

SECTION 3. OPERATIONAL OBJECTIVES.

Operational objectives include the list below:

- Use of best practices in the rapidly evolving field of law enforcement.
- Enhance deputy and public safety.
- Enhance deputies' ability to document and review statements and actions for reporting requirements and for courtroom preparation.
- Promote transparency, accountability, and build community trust.
- Collect evidence for use in criminal investigations and prosecutions.
- Deter criminal activity and uncooperative behavior.
- Aid in the documentation of statement and events during the course of an incident.
- Provide additional information for training.
- Assist in the investigation and reviewing of complaints.

SECTION 4. ISSUANCE OF BODY-WORN CAMERAS (BWCs)

As determined by the Sheriff, BWCs will be issued to deputies in the following units:

- PSSD – All sworn staff.
- DSSD – All Correctional Deputies and Sergeants.
- CSSD – All deputies and Sergeants.
- RSSD – Select units and supervisors.

Additionally, any deputy who routinely works off-duty, defined as working more than once a week as ongoing employment, will be issued a BWC.

Specific units may be exempted with written permission of the Sheriff.

SECTION 5. BWC USE BY DEPUTIES ISSUED A CAMERA

Deputies must use the device according to this policy and as trained, and may not interfere with the proper functioning of the BWC. Deputies who have been issued a BWC and have been trained in its use are required to wear the BWC as described in this policy.

A. Working on-duty, regular or overtime.

Deputies must wear their BWC as part of the uniform when working on-duty (regular or overtime) and wearing the uniform of the day as defined by policy 1049 or raid gear or temporary tactical gear as defined by policy 1049.

B. Working off-duty in a uniform.

Deputies must wear their BWC as part of the uniform when working off-duty (regular or overtime) and wearing the uniform of the day as defined by policy 1049 or raid gear or temporary tactical gear as defined by policy 1049.

C. Plain clothes deputy.

The supervisor of a plain clothes or undercover deputy may dictate whether an on- duty deputy, who has been issued a BWC, will use a BWC when working in plain clothes. A deputy in a plain clothes or undercover assignment must use an issued BWC when wearing the uniform of the day, raid gear or temporary tactical gear.

D. Task Force Deputies

All Ramsey County deputies assigned to a task force with another law enforcement agency or federal law enforcement agencies are at discretion to wear a BWC by the Sheriff or his/her designee but must be in compliance with this policy if worn.

SECTION 6. BWC USE BY DEPUTIES NOT ISSUED A CAMERA.

Deputies must use the device according to this policy and as trained and may not interfere with the proper functioning of the BWC. Deputies not issued a BWC, but who have been trained in its use, must obtain a BWC from OIT and wear it as described in this policy.

A. Working off-duty

Deputies not issued a BWC, working off-duty in uniform of the day as described by policy 1049 or raid gear or temporary tactical gear as defined by policy 1049 must obtain a BWC for use from OIT.

B. Working a specialty or overtime assignment in a uniform

Deputies not issued a BWC working a specialty or overtime on-duty assignment in uniform of the day as described by policy 1049 or raid gear or temporary tactical gear as defined by policy 1049 must obtain a BWC from OIT prior to working such an assignment or off duty. The Sheriff or his/her designee may grant exemptions to this requirement.

C. Working on duty

Deputies not issued a BWC who are working on-duty and want a camera temporarily as part of their on-duty assignment may also obtain a BWC from OIT.

A BWC obtained from a spare bank must be assigned to a deputy before use in the field. Assigning cameras can be done by the on-shift sergeant or OIT staff. A camera must be unassigned when returning the camera to the bank. OIT staff will assign and un-assign BWCs from OIT.

A deputy may not work off-duty in uniform of the day as described by policy 1049 or raid gear or temporary tactical gear as defined by policy 1049 without a BWC. If a BWC is not available in OIT a deputy needing a camera should contact their supervisor, or if their supervisor is unavailable, any on-duty supervisor can be contacted.

SECTION 7. INVENTORY CONTROL

OIT will manage the department inventory of BWC devices. The unit sergeant will work with OIT for accurate accounting of BWCs assigned to unit personnel.

Upon transfer to a new assignment a deputy will retain their BWC, unless the position is not normally issued a BWC and the deputy doesn't routinely work off-duty. If a deputy will no longer be issued a BWC due to a transfer, they must return their BWC to OIT.

SECTION 8. BWC TESTING AND MECHANICAL FAILURES

Deputies wearing a BWC must test the functioning of the BWC in accordance with their training at the beginning of each shift. Deputies may not wear a BWC that fails the daily test. If a deputy becomes aware of a BWC malfunction during their shift, they must exchange the BWC as soon as practically possible.

Regardless of whether a malfunctioning BWC is believed to contain evidence, all BWCs requiring repair must be treated as if they contain evidence. Malfunctioning BWCs will be turned into the OIT. Deputies with a malfunctioning BWC will:

- Obtain a new BWC from the spares available to their unit.
- Contact their sergeant to have a new camera assigned to them.
- The malfunctioning camera will remain assigned to the deputy until all data has been uploaded from the malfunctioning camera as part of the repair process.
- Created a separate case number of Service to Body Camera (SBC).
- Complete an original report under the SBC case number describing:
 - The malfunctioning BWC serial number.
 - The new BWC serial number.

- A brief description of the malfunction.
- Whether the malfunctioning BWC is known or believed to contain data.
- Turn the malfunctioning BWC into a property locker or the property room following the same procedures applicable to all other evidence.

SECTION 9. BWC MOUNTS AND WEARING THE BWC

A. Mounts

- a. Deputy shall wear the BWC using one of the mounts provided by the department or available for purchase from Axon.com/buy.
- b. Two magnetic mounts are issued with the BWC. Deputies may replace damaged or lost mounts, or purchase additional at Axon.com/buy after creating an account at Axon.com/buy.
- c. Mounts which have been damaged during the course of duty may be reimbursed.
- d. Deputies wishing to order additional mounts beyond the magnetic mounts will be reimbursed for up to 3 mounts per year from any available funds in the deputy's uniform allowance.

B. Wearing the BWC

- a. Deputies must wear the BWC above the midline of their torso, facing forward on the out-most clothing or jacket. Deputies shall not intentionally obscure the view of their BWC.
- b. BWCs must only be used for their intended operational objectives. During such use, it may be advantageous to temporarily remove the camera, including when clearing a corner or attic or some other legitimate purpose. Any use of a BWC other than on a deputy's uniform should be documented in a police report, or if a report is not otherwise necessary, CAD comments.

SECTION 10. MANDATORY, DISCRETIONARY, AND PROHIBITED RECORDING

A. Mandatory Recording

Understanding that deputies encounter tense, uncertain, and rapidly evolving situations, deputies must activate their BWC at their earliest opportunity and before arriving on scene when recording is required by this policy.

Activating a BWC early, before a deputy arrives on scene, allows a deputy to safely turn on the BWC before reacting to or dealing with the circumstances of a particular call, incident, investigation or event. This also helps document important information from a view closer to that of the deputy's perspective. Therefore, deputies must activate their BWCs when preparing for or initiating any law enforcement action, when responding to any call or incident, and before arriving on scene in the following circumstances and conditions:

- When a deputy is dispatched to or investigating any call or incident.
- When a deputy is assisting another deputy at a call or incident.
- When a deputy is participating in any of the following police actions:
 - Any vehicle stop, including traffic and investigative stops.
 - Vehicle pursuits.
 - Investigative stops of individuals.
 - Initiating any arrest.
 - All frisks and searches (e.g., suspect, vehicle, structure, physical area).
 - All strip searches must be conducted in accordance with Policy 902 and will only be audio recorded with the BWC.
 - When encountering or responding to resistance or aggression.
 - When any situation becomes adversarial, including situations which are either verbally or physically adversarial.
 - In-custody transports.
 - Suspect interview in the field, including in-custody interview occurring in the field when the Miranda warning is required.
 - When directed by a supervisor.
 - While operating a vehicle while responding to emergency calls per Policy 316.2.

If a deputy is at a location or in any situation where an event occurs or develops where this policy mandates recording and their BWC is not already activated, the deputy must activate the BWC as soon as activation is possible and safe.

B. Discretionary Recording

This policy does not describe every possible situation where the BWC may be activated. Beyond the mandated scenarios described above, a deputy may activate the BWC when they believe it should be activated based on their training, experience, and judgement, except when recording is prohibited under this policy. If a deputy is involved in a situation and they are unsure if the activation is mandatory, discretionary or prohibited, they should activate the BWC.

C. Prohibited Recording

- Interactions solely among other department employees when not actively investigating or assigned to a call or incident.
- Non-work related activity.
- Within areas of a police facility restricted to personnel-only access, including roll call rooms, locker rooms, break rooms, and report rooms. BWC's should be turned off when in a non-public area of a police facility unless the recording is part of an ongoing call. BWCs should only record citizen contacts inside a police facility if relevant to an investigation or to comply with the Mandatory Recording situations described in this policy.
- When interacting with undercover deputies or confidential informants, or persons providing information based on confidentiality, unless necessary for a law enforcement

investigation or to comply with the Mandatory Recording situations described in this policy.

- During a work break.
- At any location where a reasonable expectation of privacy exists, such as a bathroom or locker room, unless necessary for a law enforcement investigation or to comply with the Mandatory Recording situations described in this policy.
- In patient care areas of a hospital, sexual assault treatment center, or other healthcare facility unless necessary for a law enforcement investigation or to comply with the Mandatory Recording situations described in this policy.

This policy recognizes that deputies encounter tense, uncertain, and rapidly evolving situations regardless of location. Given this fact, deputies may unintentionally create a prohibited recording or may intentionally record to comply with the Mandatory Recording requirements of this policy. The OIT will manage all data recorded in scenarios which this policy prohibits.

Deputies who are aware an undercover deputy has been recorded on a BWC shall submit a help desk ticket to the OIT. Undercover deputies include those assigned to the narcotics unit, SIU, etc.

Deputies may also communicate any other information to the OIT regarding prohibited recordings or BWC information in one of three ways:

- Note information to be communicated in an applicable police narrative report.
- If a report is not otherwise completed, make a not in the “Title” section of the video file.
- Email the BWC Project Commander.

D. Victim or witness interviews should also be recorded, unless the deputy becomes aware of the following:

- The identity of a victim or witness is protected by the MGDPA. Individuals whose identities are protected under the MGDPA include victims or alleged victims of criminal sexual conduct or sex trafficking.
- A deputy may deactivate recording to protect the identity of someone afforded protection under the MGDPA, provided the request does not conflict with any other Mandatory Recording requirement under this policy.
- A victim or witness has requested the deputy deactivate recording, provided the request does not conflict with any other Mandatory Recording requirement under this policy.

Deputies should consider the totality of the circumstances before deactivating recording and determine the best approach for a particular circumstance. For example, deactivation may be the best option if the situation is not adversarial and a BWC inhibits a victim or witness from providing information. Nothing precludes an deputy who has deactivated recording under these circumstances from reactivating it should mandatory recording circumstances emerge or the deputy choose to reactivate recording in their discretion.

Deactivation under these circumstances must be documented in an incident report, or if no incident report is otherwise required it must be documented in CAD comments.

This policy recognizes deputies cannot or will not always know of or have time or opportunity to account for protections afforded under the MGDPA. A deputy may also intentionally record an individual with MGDPA protections, or any witness or victim who has requested recording be deactivated, in order to comply with other sections of this policy. Compliance with the other Mandatory Recording requirements under this policy is the higher priority.

The OIT provides the final review to ensure appropriate management of data and compliance with the MGDPA.

Deputies may communicate any information to OIT regarding witness/victim recordings or BWC information in one of three ways:

- Note information to be communicated in an applicable police narrative report.
- If a report is not otherwise completed, make a note in the “Title” section of the video file.
- Email the BWC Project Commander.

SECTION 11. FAILURE TO RECORD

Deputy and public safety are the department’s highest priorities. If a deputy is unable to activate his or her BWC before one of the mandatory recording scenarios described in this policy, the BWC must be activated as soon as it is possible and safe.

Facts surrounding a failure to record must be reported to a supervisor and documented in an incident report, or if no incident report is required it must be documented in CAD comments.

If a deputy is involved in a critical incident and they were unable or failed to record a mandatory record incident, any stated reason for the failure to record will be documented by an investigator assigned to the incident.

Deputies involved in a critical incident who are not required to write a report are encouraged to provide any information as to their inability or failure to activate the BWC to the investigator in charge of the case.

SECTION 12. MUTING

A BWC may be muted only under very limited circumstances. During the discussion of an arrest or tactics, muting is authorized only to protect the safety of law enforcement and others. Muting under these circumstances must be documented in an incident report, or if no incident report is otherwise required it must be documented in the CAD comments.

SECTION 13. WHEN RECORDING MAY BE DEACTIVATED

Once activated, the BWC must remain on-recording until the incident has concluded; meaning it is reasonable to believe that all arrests are made, arrestees transported, and suspect interviews are completed, unless or until:

- The incident or event is of such duration that recording is deactivated to conserve power or storage capacity and the deputy is not directly involved in activity relating to the incident or event.
- In a Critical Incident, the supervisor has ordered deactivation.
- Deactivation is reasonable and necessary to protect the safety of the deputies or others.
- Deactivation is approved or ordered by a supervisor.
- BWCs may be deactivated during non-enforcement activities, such as waiting for a tow truck or protecting accident scenes.
- At search warrant scenes, the cameras may be deactivated once the entry is complete and the scene is safe. This deactivation would only occur after suspects are arrested and removed from the warrant location. If removing all other occupants is not possible or reasonable, at a minimum the cover deputy(s) will have their BWC on. The remaining searching deputies may deactivate their BWC's. The BWC does not replace the deputy's obligation for photographs of the warrant scene, per policy 606.
- Deactivation may be ordered by the on-scene supervisor in tactical field operations where recordings could reveal tactics, location of deployed deputies or identities of undercover officers or informants. However, BWC should be activated as soon as safely possible and prior to entry into a dwelling or making contact with suspects.

A deputy's decision to deactivate recording in a situation that would otherwise be recorded on this policy must be documented verbally on the camera before deactivation. That decision must also be noted in an incident report, or if no incident report is otherwise required the decision must be documented in CAD comments. The report or CAD comments must include factors considered in the decision to deactivate the camera off.

BWCs may also be deactivated after the deputy has arrived on scene, assessed and stabilized the call, and if the deputy reasonably believes there is no longer necessary audio or visual evidence to capture and that none of the circumstances requiring activation will likely occur.

Nothing in this section is intended to discourage a deputy from recording during non-enforcement situations when in his or her judgement the recording may be beneficial.

SECTION 14. WEARING A BWC INSIDE A COURT BUILDING

Ramsey County District Court order dated February 17, 2017, states that "Only law enforcement personnel may have body cameras in a courtroom. These Electronic Devices may be powered

on but must be kept and operated in silent mode. Any authorized use of the Electronic Devices must not distract the proceedings pursuant to the Rules of Decorum. In addition, voice communication and the recording of pictures, video or audio are prohibited in courtrooms unless specifically approved by the presiding judge or judicial deputy pursuant to Rule 4.02 of the Rules of General Practice.”

This court order does not preclude a deputy responding to an incident in the courthouse from recording as required by this policy.

SECTION 15. DUTY TO NOTIFY PERSONS OF BWC RECORDING

If an individual asks a deputy if a BWC is on or recording, research and experience shows the best practice is to tell individuals they are being recorded. While not required by law (MN Statute 626A.02, subdivision 2), the Ramsey County Sheriff’s Office strongly encourages deputies to tell people that they are being recorded, unless the deputy believes that disclosure would result in a safety issue for the deputy or public.

SECTION 16. DATA CATEGORIZATION AND DEPARTMENT-ISSUED PHONES

A. Categorization

All data collected by BWCs is subject to statutory requirements and may also be considered evidence. The timely and accurate categorization of data is vitally important to determine the retention of data. Deputies must ensure all BWC recordings are assigned a case number and correct classification by the end of their next duty shift after uploading video. Deputies should contact a supervisor with any questions about appropriate categorization. Deputies should assign as many of the following categories as are applicable to each file:

CLASSIFICATION	RETENTION PERIOD
• Misc./Equip Maint./Training	1 Year
• Civil/Morgan Plan	1 Year
• General Citizen Contact	1 Year
• Traffic Stop (Non-Arrest)	1.5 Years
• Squad Accident/AWI	3 Years
• Vehicle Pursuit	6 Years
• Arrest/Evidence/Use of Force	7 Years
• CSC	9 Years
• Death Investigation/Admin Hold	No Expiration
• Officer Use of Deadly Force	No Expiration

B. CAD/RMS Integration

The CAD/RMS integration is a feature of the system that will attempt to add a case number and a category to videos recorded by the deputy. The CAD/RMS integration data that contains the time a call was dispatched to a deputy and the time the deputy cleared the call, will be compared to that deputy's video in evidence.com. Where there is a match, the integration will add the case number and category to the video. Deputies should be aware of instances where they are not assigned to a call at the time a recording is started, as these must be manually classified.

The CAD/RMS integration process only occurs after video has been uploaded to evidence.com. Deputies are responsible for verifying that the CAD/RMS integration has classified the recordings with the correct case numbers and classification categories. Deputies shall review their own recordings (using the evidence.com "My Evidence" page) to ensure that every recording they made has a case number and proper classification. This shall be done no less than one time per work week.

Deputies are responsible for ensuring that the data captured on their BWC is categorized and the correct CN attached to said data. Utilizing audit and search features of evidence.com, supervisors are responsible for ensuring data uploaded by subordinates has been categorized.

Deputies shall manually classify any call type of Previous Case Number (PCN) with the appropriate related case number. Often deputies are assigned to a PCN call type in CAD while recovering a stolen car, following up on another call, or arresting someone on a pc pickup. The evidence relates to the original case and needs to be manually classified in order to be visible to investigators and prosecutors. The CAD/RMS integration is unable to properly classify these call types.

C. Department Issued cell phones

Deputies issued a department cell phone may categorize data in the field using the Axon View application.

Department issued cell phones are subject to Policy 344.4.

No personal phones, iPods, iPads or any other personal devices may be used for classification of data.

SECTION 17. UPLOADING DATA

All BWC data is subject to statutory requirements for retention and dissemination. Data may also be evidentiary. Therefore, deputies must upload all data collected by the end of shift according to department BWC training, Axon instructions, and the protocols of the deputy's unit and/or assignment. Deputies are responsible for ensuring the CN and all categorizations are noted on uploaded videos.

If a deputy has recorded video that has no evidentiary value and extenuating circumstances preclude immediate uploading of the data, a deputy may obtain permission from their direct supervisor to upload the data no later than the end of the deputy's next regular shift. This is an exception and not to be used routinely and under no circumstances should a deputy end their shift without downloading BWC data that contains an arrest or Use of Force.

Deputies who capture BWC data while off-duty or working off-duty must upload the data to evidence.com as trained, if the data is evidentiary or if a police report and/ or citation is required or will be written for the incident for which the data was created. Uploading must be complete before clearing from the incident or at the end of the off-duty.

If data recorded off-duty or while working off-duty is not evidentiary (for example, a general citizen contact such as providing directions or a police service which is advised) and no police report and/or citation will be written, that data may be uploaded no later than the end of the deputy's next regular duty shift.

SECTION 18. CRITICAL OR SIGNIFICANT INCIDENTS

- A. In the event of a Critical Incident all deputies who are involved or who witness the incident shall turn off their BWCs only when instructed by a supervisor or investigator assigned to the incident. It is the responsibility of the scene supervisor to ensure compliance with this section.
- a. Note that Policy 310 states the first responding non-involved field supervisor may administratively order any involved RCSO deputy of a critical incident to give a brief, factual, public safety statement of the event for the purpose of focusing the investigative efforts, which will include, but is not necessarily limited to assisting in identifying and locating suspects, victims, witnesses, evidence, and any other information deemed pertinent to public or deputy safety.
 - b. If such an order is given, the following questions and answers shall be recorded on BWC:
 - i. *“As a supervisor I am ordering you to give this Public Safety Statement:*
 - *To the best of your knowledge is anyone injured?*
 - *If firearms were used – what direction(s) or areas should we check?*
 - *Are there any witnesses or suspects we should search for or speak to?*
 - *What locations or areas should we consider for processing or public safety?*
 - *Do you have any other information you would like to add for the public's safety?**This concludes the Public Safety Statement. I am directing you to turn off your BWC and assigning you a monitoring officer.”*
- B. All involved or responding deputies must maintain custody of their BWC equipment until the forensic services unit or crime lab of the investigating agency takes custody of the

equipment. In the event that a deputy will be photographed as part of the investigation, the deputy should leave their uniform intact, including BWC equipment, until photographs are completed. The department will ensure that all video is properly uploaded. Once all uploads are complete, BWC equipment will be returned to the deputy, or their supervisor, unless the device itself is evidence beyond any data created by the BWC. If the BWC device is evidence it must be handled in the same manner as any other evidence.

- C. In the event an outside agency crime lab or the forensic services unit does not respond to a Critical Incident, the supervisor must ensure BWC Data is properly uploaded before returning the BWC to the deputy.

SECTION 19. PRIVATE, CONFIDENTIAL AND PUBLIC BWC DATA

All BWC data is the property of the department and is government data subject to the laws of the State of Minnesota.

Minnesota Statutes section 13.825, subdivision 2, defines BWC data as presumptively private data about the data subjects unless there is a specific law that makes the BWC data either confidential or public.

BWC data subjects are defined as:

- Any person or entity whose image or voice is documented in the data.
- The deputy who collected the data.
- Any other deputy whose voice or image is documented in the data, regardless of whether that deputy is or can be identified by the recording.

Confidential BWC data are collected or created as part of an active criminal investigation. Data is classified as confidential while the investigation is active. Inactive investigative data is classified according to rest of section 13.825.

Public BWC Data is defined as:

- Data documenting the discharge of a firearm by an deputy in the course of duty, other than for training or the dispatching of an animal that is sick, injured, or dangerous.
- Data that documents the use of force by a deputy resulting in substantial bodily harm.
- Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any data subject (other than a deputy) who has not consented to the public release must be redacted. In addition, data on undercover deputies must be redacted.
- Data that documents the final disposition of a disciplinary action against a public employee.

- If another provision of the MGDPA classifies data as private or otherwise not public, that data retains the other MGDPA classification.

SECTION 20. ACCESS BY DATA SUBJECTS

- A. As required by statute, an individual must be allowed to access BWC data about him/herself as a subject of the recording, however access is not required under the following conditions:
- The data is collected or created as part of an active investigation.
 - The data is restricted by law from disclosure to the person seeking access, such as portions that would reveal identities protected by Minnesota Statutes section 13.82, subdivision 17.
- B. Unless the data is part of an active investigation, an individual data subject may request said video and must be provided with a copy of the recording redacted as follows:
- Data on other individuals in the recording who do not consent to the release must be redacted.
 - Data that would identify undercover deputies must be redacted.

SECTION 21. WHEN BWC DATA MAY BE WATCHED OR REVIEWED

- A. Deputies are authorized to access public and non-public (confidential or private) BWC data for legitimate law enforcement purposes, including but not limited to report writing. Nothing in this policy restricts a deputy from reviewing data for law enforcement purposes, including for preparing to give a statement, preparing for court testimony or to respond to allegations of substandard performance or misconduct.
- B. BWC data may not be accessed or reviewed for the purpose of surveillance. Permitted use of BWC Data includes:
- Case investigation.
 - An investigator assigned to a related criminal investigation may review BWC data relevant to the investigation.
 - Incident debrief and performance review.
 - A deputy's immediate supervisor may utilize a deputy's BWC data for the purpose of coaching and providing feedback to the deputy with the purpose of improving performance.
 - Use of force review.
 - BWC data may be accessed as part of the department's review of a deputy's use of force. Supervisors and department personnel who have

the responsibility to review uses of force may access BWC data pertaining to the incident.

- Pursuit review.
 - BWC data showing a vehicle pursuit may be accessed by supervisors and department personnel who have the responsibility to review the incident.
- Accidents involving department vehicles.
 - BWC data relating to department vehicle accidents may be reviewed by department personnel who have the responsibility to review the accident.
- Quality control process.
 - BWC data may be accessed as part of the BWC Quality Control Process.
- Disclosure to courts.
 - BWC data relating to a criminal matter will be disclosed to the appropriate prosecuting authority.
 - BWC data may be further disclosed to court personnel as authorized by applicable rules of procedure and Minnesota Statutes sections 13.03, subdivision 6, and 13.825, subdivision 2(d).
- Training.
 - Deputies who become aware of BWC data that may contain training value should notify their supervisor. BWC data may be shown to staff for public safety training purposes.
 - The training unit commander will communicate with any employees depicted in the BWC data prior to use of the data for training. The training unit commander will evaluate and consider any objections of deputies depicted in the data prior to use of the data. In all cases the training value of the data will be the focal point of any consideration for use as part of a training session.
 - Field Training Deputies (FTO's) may utilize their own or their trainee's BWC data with their trainee for the purpose of providing coaching and feedback on the trainee's performance.
- Evaluation of alleged misconduct.
 - Nothing in this policy limits or prohibits the use of BWC Data by the department to evaluate alleged misconduct or as a basis for discipline.
 - BWC data may be accessed by the internal affairs unit or any supervisor investigating a complaint of misconduct. A complaint of misconduct may include any allegation of improper procedure or misconduct, from an informal allegation or question to a formalized internal affairs complaint. Informal allegations or questions should be handled within the unit consistent with the chain of command.
- Public release.
 - Minnesota State Statute section 13.825, subdivision 2 defines instances in which BWC becomes public. Such data will be reviewed by the OIT prior to release.
 - The department will also at times release BWC data to the public with the goal of demonstrating:

- Exceptional work done by deputies on a daily basis.
 - Some of the challenges our deputies face on a daily basis.
 - Things body cameras record and do not record.
 - The department may also release BWC data in the interest of public safety. Prior to release, all private data as defined by Minnesota Statute section 13.825, subdivision 2 will be redacted.
 - The Public Information Deputy (PIO) will communicate with any employees depicted in the BWC data prior to public release under this section. The PIO will evaluate and consider any objections of employees depicted in the data prior to use of the data. The privacy and interests of all data subjects will be the focal point of all data released under this section.
- C. Deputies only have permissions in evidence.com to view data created by the BWC assigned to them. Deputies needing to review data created by another deputy's BWC may:
- a. Ask the deputy who created the data to show it.
 - b. Ask the deputy who created the data to assign rights to view it in evidence.com.
 - c. Ask a supervisor to play it.
- D. Critical Incidents and Review of Data.
- Deputy(s) involved in a Critical Incident may view and/or listen to BWC data of the incident only after:
 - The deputy has met with legal counsel or their union representative, if those entities are requested by the deputy, and
 - The deputy and legal counsel have met with the investigative entity or designee regarding the process for a Critical Incident.
 - Notwithstanding any law to the contrary, a deceased individual's next of kin, legal representative of the next of kin, or other parent of the deceased individual's children are entitled to view any and all recordings from a peace officer's BWC, redacted no more than what is required by law, of an officer's use of deadly force no later than five business days following an incident where deadly force used by a peace officer results in the death of an individual.
 - The Sheriff may deny a request if the investigating agency requests and can articulate a compelling reason as to why allowing the deceased individual's next of kin, legal representative of the next of kin, or other parent of the deceased individual's children to review the recordings would interfere with a thorough investigation.
 - If the Sheriff denies a request, the involved officer's agency must issue a prompt, written denial and provide notice to the deceased individual's next of kin, legal representative of the next of kin, or other parent of the deceased individual's children that relief may be sought from the district court.

- Notwithstanding any law to the contrary, an involved officer's agency shall release all body-worn camera recordings of an incident where a peace officer used deadly force and an individual dies to the public no later than 14 business days after the incident, except that a chief law enforcement officer shall not release the video if the investigating agency asserts in writing that allowing the public to view the recordings would interfere with an ongoing investigation.

SECTION 22. SHOWING BWC DATA WITH WITNESSES OR THE PUBLIC

Deputies shall not share BWC recordings with any member of the public or any other employee, unless it is required for the official performance of their duties and consistent with all applicable laws.

Deputies may show portions of BWC data to witnesses as necessary for purposes of investigation as allowed by Minnesota Statutes section 13.82, subdivision 15 which states data may be shown to:

- Aid the law enforcement process.
- Promote public safety.
- Dispel widespread rumor or unrest.

SECTION 23. COPYING OF BWC DATA

Copies of BWC data must be requested through the OIT. Employees shall not copy or record BWC data with smart phones, video cameras, or by any other means.

SECTION 24. PROTECTION OF BWC DATA / AUDIT

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

- Restrict access to BWC data according to authorized employee's access credentials.
- Maintain an automated audit/electronic audit trail of the date, time, and person with regard to each access to data. All employees who access BWC data via evidence.com will be required to document the reason for their access by adding a note describing their reason for accessing the data in the "notes" section of whatever data file is accessed.

A note should usually be one of the following authorized reasons for review:

- Report writing.
- Court.

- Internal affairs response.
- Case investigation.
- Debrief.
- Use of Force review.
- Pursuit review.
- Squad accident.
- Quality control process.
- Training.
- FTO.
- Complaint investigation.
- OIT review.

Any other reason not covered above should be specifically described.

SECTION 25. RELEASE TO THE PUBLIC

- A. Only OIT staff or Internal Affairs staff trained in data practice and the use of the system for copying such data is authorized to make copies of BWC data. The original data will be retained according to the retention schedule in this policy.
- B. Copies made by OIT or Internal Affairs staff must be for lawful purposes including, but not limited to, data requests under the MGDPA, department purposes, criminal litigation and civil litigation.
- C. Whenever a request for BWC data is made to the department by the media and the department intends to release the video, an email will be sent to all deputies assigned to the associated CN in the CAD system, with a 24 hour advance notice of its release for all routine requests if possible.
- D. The department may charge its actual cost for providing requested copies of data pursuant to Minnesota Statute sections 13.03 and 13.04.

SECTION 26. CASE NUMBERS AND DOCUMENTING EXISTENCE OF BWC DATA

- A. All BWC data must be associated with a department case number to ensure accurate tracking of BWC data. Therefore, whether on- or off-duty, a deputy who has created BWC data must ensure they have logged into the CAD system with their POST number. Then:
 - a. If a case number has not already been created to associate with the BWC data, the deputy must call for a case number.
 - b. If a case number has already been created to associate with the BWC data, the deputy must ensure they are assigned to that case number in the CAD.
 - c. If working off-duty or overtime or on-duty special detail and the situation for which the BWC data was created does not require an independent case number, a

deputy may use the case number created when calling in for the off-duty job or created for the detail.

- B. A deputy not assigned to an incident in the CAD system, who arrives on scene and as per policy has activated their BWC, must notify dispatch of their arrival so they will be assigned to the incident in the CAD system.
- C. Each deputy completing a report and/or citation must document the existence of their BWC data in their report and/or citation.
- D. Documentation of BWC footage in a police narrative report and/or citation should follow the same protocol as ICC. The header of the narrative report should read either “NO ICC or ICC, squad # (Deputy Name).” A BWC data line must follow the ICC line and read either: “No BWC or BWC, Deputy Name.” If an deputy is not otherwise completing a report and/or citation for an incident, the existence of their BWC data must be documented in evidence.com
- E. Deputies who unintentionally or accidentally create a recording may use the blanket CN of the year and 999999. For example, an inadvertent recording in 2018 should have in the ID field the CN 18999999.

SECTION 27. REPORT WRITING - DOCUMENTING BWC DATA CONTENT IN A NON-CRITICAL INCIDENT

- A. To ensure the accuracy of reports and statements, deputies may review audio and video data before making a report or statement.
- B. Deputies completing a report for an incident in which the BWC data was created are responsible to ensure the content of relevant BWC data is referenced in narrative form in their reports.

Additionally, a narrative report must describe, beyond the header of “NO BWC or BWC, Deputy Name”:

- If BWC data was created relevant to their report.
- Reasons for failing to record when called for by this policy.
- Whether deputies have reviewed their BWC data before completing a report.
- Whether other deputies may have BWC data.
- Whether the deputy completing a report has reviewed the data of other BWCs.
- The extent of review of any BWC data undertaken by a deputy. Some examples of documentation of review:
 - “I have not reviewed footage before completing this report.”
 - “I have conducted a full and detailed review of all data which could function as a transcript.”
 - “I have conducted a cursory review of video at fast speed without audio review.”
 - “The footage begins at 21:00:10 hours and ends at 21:20:00 hours. I have conducted a full and detailed review of portions (21:05:05 to 21:09:30).”

SECTION 28. BWC DATA RETENTION

BWC Data will be retained in accordance with the MGDPA, General Retention Schedule for Minnesota Cities, Ramsey County Evidence Retention Policy, court order, or applicable statute of limitations or preservation period. (The schedule is detailed in Section 16 of this policy).

All BWC Data not covered under the aforementioned provisions will be retained for a minimum period of 1 year. There are no exceptions for erroneously recorded or non-evidentiary data.

Upon written request by a BWC Data subject, the department will retain a recording pertaining to that subject for an additional time period requested by the subject of up to 180 days. The department will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received. Subsequent requests will be evaluated and based on the critical nature of the request it may be approved by the Sheriff or their designee.

Altering, erasing, or destroying any recording made with a peace officer's BWC, or any data and metadata related to the recording prior to the expiration of the applicable retention period is prohibited.

SECTION 29. HANDLING OF EVIDENCE

- A. BWC Data will be handled as evidence and retained according to the applicable retention period of the categories assigned to the data.
- B. When BWC Data contains evidence for a case, whether civil or criminal, that is being investigated by another agency, that agency will be provided a duplicate copy of the recording for a specified law enforcement purpose with the written approval of the Sheriff or his or her designee.

SECTION 30. POLICY COMPLIANCE AND QUALITY CONTROL PROCESS

Minnesota Statutes section 626.8473 requires that police departments put in place "procedures to ensure compliance and address violations of the policy, which must include, at a minimum, supervisory or internal audits and reviews, and the employee discipline standards for unauthorized access to data contained in section 13.09."

To meet these statutory requirements, all supervisors must monitor compliance with this policy.

The department has also created the position of BWC Project Commander. The BWC Project Commander will be assigned to Administration to verify compliance with this policy.

SECTION 31. TRAINING

Employees must complete the BWC training program before being issued or using a BWC. Ongoing training will be provided as determined by the training unit commander.

SECTION 32. BWCs AND THE ICC SYSTEM

BWCs do not replace the ICC system. This policy does not replace the ICC policy. ICC continues to be governed by Policy 449. However, deputies wearing a BWC are exempt from the wireless microphone portion of the ICC policy.

SECTION 33. DISCOVERY OF POTENTIAL MISCONDUCT

The department shall require deputies who witness or become aware of violations of department policy to immediately report said violation to their supervisor. If a civilian employee, a deputy, or a sergeant reviewing BWC data observes a violation of department policy they shall report the violation to their supervisor. A supervisor notified of such a violation shall take the appropriate actions based on the circumstances of the violation.

If a Commander or Sheriff reviewing BWC data observes a violation of department policy they shall take the appropriate actions based on the circumstances of the violation.

All who review BWC data shall focus their review on the reasons for which they are justified to do so.

SECTION 34. ACCESS TO SENSITIVE PERSONAL RECORDINGS

In the event of unintentional or inadvertent BWC recording, such as a personal conversation that captures sensitive personal information for which access should be restricted, a deputy may submit a written request to the BWC Project Commander to restrict access to that portion of BWC data. The BWC Project Commander will evaluate the request. If a restriction is placed on access to such data, that restriction will remain until the data is deleted according to the retention schedule of the data's category.

SECTION 35. SUMMARY OF VARIED REPORTING REQUIREMENTS

Temporary removal of BWC from uniform (i.e., clearing an attic, etc.) requires a report, if written, or CAD comments if not.

Recording an undercover deputy requires notification to the BWC Project Commander.

Deputy deactivates recording due to MGDPA protections requires a report, if written, or CAD comments if not.

Deputy deactivates recording due to victim or witness request requires a report, if written, or CAD comments if not.

Intentional or unintentional recording under Prohibited Section of policy requires supervisor notification and also requires a report, if written, or CAD comments if not.

Any failure to record requires supervisor notification and also requires a report, if written, or CAD comments if not.

Stop or pause recording in a situation that would otherwise be recorded requires a verbal note on the BWC as also requires a report, if written, or CAD comments if not.

Awareness of BWC data with training value requires supervisor and BWC Project Commander notification.