



## Body-Worn Cameras

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### Policy Statement / Objective:

The purpose of this policy is to provide guidance for the use and management of Body Worn Camera (BWC) equipment, and provide parameters for the access, storage, retention, and retrieval of recorded media captured by BWC equipment. By incorporating the use of BWC equipment, the BCA seeks to enhance accountability and public trust by preserving a record of personnel interactions with citizens, assist agents by providing a record independent from their individual perceptions and recollections, and serve as a training tool for best practices in the agency.

### Definitions:

**Activation:** Any process that causes the BWC system to record audio or video data. Activation will be done manually. Activation can only occur when the BWC is already powered on.

**Authorized Personnel:** Personnel designated by the Superintendent, or the Superintendent's designee, to manage data recorded by the BWC. Such management includes duplication, redaction and lawful destruction of data as required by law and applicable policies.

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

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

**Classify:** To categorize an event that has been recorded and for which a predetermined retention period has been set.

**Critical Incident:** For purposes of this policy, a critical incident is an incident occurring in the line of duty involving the use of deadly force by or against BCA personnel, death or great bodily harm incurred by BCA personnel, death or great bodily harm incurred by a person under the custody or control of BCA personnel, or an action by BCA personnel that causes or is intended to cause death or great bodily harm.

**Deadly Force:** 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. (Minn. Stat. § 609.066, Subd. 1)

**Deactivation:** Any process that causes the BWC system to stop recording. Deactivation can be done manually or can occur accidentally.

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

**Employee:** For purposes of this policy, any staff member employed by the BCA, sworn or civilian.

**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. (Minn. Stat. § 609.02, Subd. 8)

**Power On:** Powering on the BWC requires setting the "On/Off" switch to "On," enabling power to the BWC. This must occur prior to and is distinct from Activation.

**Pre-Event Recording:** Video stored by the BWC system prior to manual activation. This is a configurable feature for the digital BWC system and is preset to record video only (no audio) prior to manual activation. The pre-event recording is included as part of the incident and is viewable during playback.

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

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

## **Policy:**

Many police agencies require uniformed staff to wear and utilize BWCs in the regular performance of their duties, and the devices have become a ubiquitous part of many patrol officers' duty gear. Because the BCA's operations differ from most municipal police departments and sheriffs' offices, incorporation of BWCs by the BCA will be more circumscribed in scope than other agencies. This policy contemplates the use of BWCs by BCA staff primarily for those duties in which sworn personnel are engaged directly in law enforcement actions with citizens.

### **A. Restrictions**

1. The BWC shall not be used for the purpose of intimidating or discouraging an individual from observing law enforcement activity, making appropriate inquiries to law enforcement agents, or making a complaint.
2. Employees shall not use the BWC to record interactions solely with or among other department employees, except in circumstances for which activation is appropriate in accordance with this policy.
3. Employees shall not use the BWC for personal use or for any other reason inconsistent with this policy.
4. Employees shall only use BWCs and BWC equipment authorized by the BCA.
5. Disabling BWC equipment, intentionally interfering with audio or video recording capabilities, and altering, duplicating, deleting or destroying BWC recordings are prohibited, except by Authorized Personnel in the course and scope of their lawful job duties and in accordance with record retention laws and policies and the provisions of this policy.
6. The BWC shall not be activated solely for the purpose of surveillance of, or identification of, individuals engaged in constitutionally protected activities conducted in a lawful manner.
7. Employees assigned a BWC shall not permit any non-employees to use or wear the BWC.

### **B. Informing the Public that a BWC is in use**

1. If asked, employees should inform those inquiring that audio-video recording equipment is in use, unless doing so would be unsafe for the employees or members of the public.
2. When interacting with members of partner law enforcement entities, agents should advise that they are wearing BWC and when/under what circumstances it will be recording.

### **C. Training**

1. Employees shall complete agency-authorized training in the use and operation of the BWCs prior to being assigned a BWC.
2. Only those employees that have been issued a BWC and have received the agency- authorized training may operate a BWC.
3. All BCA 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. Failure to Adhere to Policy**

Employees failing to adhere to this policy or applicable laws regarding the use of BWCs and any associated data, including but not limited to restrictions regarding accessing such data, will be subject to discipline, up to and including termination.

#### **E. Wearing and Using the BWC**

1. Employees assigned a BWC shall use it in accordance with BCA training and policies, and the manufacturer's recommendations.
2. Employees shall wear the BWC in accordance with BCA training, using mounting equipment provided by the Department.
  - a. Employees shall wear the BWC facing forward as authorized by the Deputy Superintendent-Investigations for approved mounting equipment options, and may authorize alternate camera mounts with different placements for specialized units or functions.

#### **F. BWC Program Responsibility**

1. The Technical Services Unit is responsible for the technological aspects of the BWC program, including device support and maintenance.
2. The Technical Services Unit is responsible for oversight of the BWC program, and ensuring policy adherence.
3. 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. The BWC program shall be independently audited in accordance with existing law.

#### **G. Duty to Report**

All employees are required to report misconduct or other violations of this policy.

#### **H. Assignment of BWCS**

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

### **Roles and Responsibilities:**

#### **A. Employee Responsibilities**

1. Charging BWCs
  - a. Employees assigned a BWC shall keep it charged between shifts so that it is fully charged at the start of a shift.
2. Wearing and Powering on BWCs
  - a. During Non-Covert/Non-Undercover Assignments
    - i. Employees assigned a BWC and working in the field during non-covert/non-undercover assignments shall wear the BWC and keep it powered on at all times during their assignment when they can reasonably anticipate that they may become involved in a situation for which activation is appropriate in accordance with this policy.
  - b. During Covert/Undercover Assignments
    - i. Staff do not need to wear the BWC during plainclothes covert or undercover operations in which displaying or indicating their status as a law enforcement agent would compromise the operation.
  - c. Entering Centers for Domestic or Sexual Violence Victim Advocacy
    - i. 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).

### 3. Ensuring Proper Working Order

Agents are responsible for ensuring their BWC is in good working order at all times.

- a. Employees shall directly notify their immediate supervisor as soon as practical of any missing, damaged, or malfunctioning BWC equipment, as well as a loss of battery power. The notification must be made without unnecessary delay.
- b. Employees with BWC equipment problems shall continue service or take appropriate measures as directed by their supervisor.
  - i. Employees continuing service shall document that their BWC was not operational for the associated reason(s), in accordance with the Failure to Activate section.
- c. As soon as practical, employees shall report the problems to Technical Services via email, and copy the supervisor who was notified of the problems.

### 4. Activation

#### a. Required Activation

Employees shall activate their BWC for the following circumstances:

- i. When it is reasonably anticipated the agent shall take enforcement actions or when encountering hostile persons until the situation is controlled or resolved. (Example: contact involving physical or verbal confrontations occurring during an operation for which BWCs have been deployed.)
- ii. When an agent takes an individual into custody or transports an individual in custody, the BWC shall remain activated until that person is no longer in the agent's custody and/or control.
- iii. When executing a search warrant outside of a controlled facility or environment until the scene is secured. (Example: agents do not need to activate their BWC when executing a financial records warrant at a financial institution, but would at all residences and other similar environments).
- iv. Traffic stops or vehicular pursuits occurring during an operation for which BWCs have been deployed.
- v. Any use of force situation occurring during an operation for which BWCs have been deployed. 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.
- vi. Any tactical entry or forced entry into a building.
- vii. When directed to activate the BWC by a supervisor.

#### b. Changing Situations

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

#### c. Failure to Activate

If there is a failure to activate the BWC or a late activation in any of the above situations, the employee shall document the reasons for the failure as soon as practical. Agents shall make appropriate documentation of the event in ACISS.

#### d. Interviews

- i. Employees may use BWC when conducting an interview related to an investigation and occurring outside of a controlled setting. If using a BWC for such an interview, employees should advise the interviewee the camera will be on and activated during the interview.
  - a.) If the interviewee refuses to be interviewed with the camera on, the employee may deactivate or power off the camera to facilitate the interview.

- ii. 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 may power it on to record the interview if needed.

## 5. Recording Duration/Deactivation

Once activated, the BWC should continue recording until the conclusion of the incident or encounter, or until it becomes apparent that additional recording is unlikely to capture information having evidentiary value. If the recording is discontinued or paused while an investigation, response, or incident is ongoing, members shall state the reasons for ceasing the recording on camera before deactivating the device (e.g. "Everything has settled down and the event appears to be over."). If circumstances change, members may reactivate their cameras should they wish to document something for evidentiary purposes.

## 6. Uploading

- a. Employees shall upload all BWC digital data at the conclusion of the operation/activity by placing their BWC in the assigned docking stations or utilizing other department approved uploading procedures.

## 7. Report Writing

### a. Data Access

BWC data may only be accessed in accordance with the section relating to Access of BWC Data and Request for Duplication of Recordings.

### b. Critical Incidents shall be governed by INV-7010 (Critical Incidents)

### c. Incidents that are not Critical Incidents

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

### d. Items about BWC usage to include in ACISS report

Employees shall document the following in the ACISS:

- 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.

## 8. Off-Duty

- a. Employees shall not use BCA-issued BWCs while working off-duty for other entities unless approved by the Superintendent.

## **B. Supervisor Responsibilities**

1. Supervisors shall ensure that employees follow established procedures for the use and maintenance of BWC equipment and the completion of BWC documentation. This includes the review of BWC recordings and usage data to ensure proper procedures are being followed.
  - a. The Technical Services 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.
    - i. SAICs may also direct their assigned personnel to conduct additional reviews of BC recordings and usage data that exceed the standards established by the Technical Services Unit.

2. Problems with the BWC Equipment
  - a. Supervisors shall ensure that appropriate measures are taken when informed of any problems with BWC equipment. This includes notification to Technical Services of the situation, replacing the camera in question (when possible), and making any necessary reports.
  - b. When informed of problems with BWC equipment, the supervisor shall determine if the employee should continue service or remove themselves from service for BWC maintenance.
  - c. Supervisors shall ensure an employee who is continuing service with BWC equipment problems (including loss of battery power) documents the BWC problems according to the Problems with BWC Equipment and Failure to Activate sections under Employee Responsibilities.
3. Supervisors shall ensure retrieval of recordings and ensure appropriate uploading procedures are followed in critical incidents.
4. When conducting force reviews or complaint investigations, supervisors shall view any pertinent BWC video as part of the review (including from witness employees). Supervisors may also view pertinent BWC video as part of any other administrative review.

### **C. BWC Data Retention**

1. Data will be maintained in a storage system designated and approved by the BCA. All data will be backed up by the storage system vendor.
2. Data will be retained in accordance with applicable law, this policy, and the BCA records management retention schedule. Data may be retained past the scheduled retention period as required by Minn. Stat. § 13.825 Subd. 2 and Subd. 3.

### **D. Access to BWC Data and Requests for Duplication of Recordings**

1. Access to the department authorized storage system shall only be granted with permission from the Deputy Superintendent-Investigations or designee, 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. Technical Services will periodically review the user access list to ensure that access levels are appropriate and have been duly authorized.
2. 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. All BWC recordings are the property of the BCA and original BWC recordings shall remain in the sole custody of the BCA, 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. All recordings shall be handled in accordance with the agency's applicable records policies.
  - b. Public requests for BWC recordings shall 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. Data subjects have access to the data, subject to the conditions in the Data Practices Act, including but not limited to Minn. Stat. § 13.825.
    - iii. All entities with access to the BWC data are responsible for ensuring they only handle and release BWC data in accordance with Minnesota statutes.
    - iv. 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.

- a.) 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 Minn. Stat. § 13.825 Subd. 2.
  - b.) If a data subject requests that data or requests that it be made public, data on other subjects will be redacted as required by Minn. Stat. § 13.825, where applicable.
  - c.) The original recording shall remain intact and stored within the agency-authorized storage system in accordance with record retention laws and policies.
- c. Requests by outside agencies for duplication of BWC data shall be directed to the case agent for the case requested.
  - d. Employees shall not share BWC recordings with any member of the public or any BCA employee, unless it is required in the performance of their official duties and consistent with State and Federal law.
  - e. Employees may share BWC data with a partner agency when:
    - i. The BWC data is shared with an approved government agency as necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.
    - ii. The BWC data is shared to aid another public safety agency in an active criminal investigation.
  - f. In instances in which an agent has used deadly force, as defined by Minn. Stat. § 609.066, subd. 1, against an individual, and the individual has died as a result, the BCA will permit the representative of the decedent an opportunity to view the involved-agents' BWC video within five days of the incident or a request. This disclosure must be in accordance with the requirements of Minnesota Statutes, Chapter 13.
4. In no event shall any recording be used or shown for the purpose of ridiculing, embarrassing or intimidating any person.
  5. Recorded data may only be replayed or displayed for training purposes with the approval of the Deputy Superintendent-Investigations.
  6. 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.
  7. Employees are prohibited from using recording devices to duplicate BWC video or audio in any form, including cell phones, programs/applications, or video cameras.

#### **E. Notice to Data Subjects**

1. If a person brings an action in district court under Minn. Stat. § 13.825 Subd. 2, the BCA 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 BCA has retained a recording in accordance with Minn. Stat. § 13.825 Subd. 3 (c), the BCA 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 BCA discovers or is notified of a breach in the security of the data, data subjects, if known, will be notified in accordance with Minn. Stat. § 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 a BCA-issued BWC, employees shall follow the requirements in the Uploading and Classification section where applicable.

## References:

INV-7010 (Critical Incidents)  
Minnesota Statutes, Chapter 13