

	RAMSEY POLICE POLICY BODY-WORN CAMERAS	
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411.01 POLICY

To establish guidelines for the use, management, storage, retrieval, and duplication of video and audio media recorded by the Body-Worn Camera (BWC). The Ramsey Police Department may provide members with access to a BWC for use during the performance of their duties. The use of a BWC is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public. For the purposes of this policy, the term “camera” will reference BWCs. Digital evidence captured by the cameras are not all inclusive. The systems capture a less broad and less detailed image than the totality of the human senses.

411.02 SCOPE

This policy governs the use of cameras in the course of official duties. It does not apply to the use of surreptitious recording devices in undercover operations. The Chief or Chief’s designee may supersede this policy by providing specific instructions for the use of cameras to individual officers, or providing specific instructions for the use of cameras pertaining to certain events or classes of events, including but not limited to protests and demonstrations.

411.03 DEFINITIONS

Body-Worn Camera (BWC): A device worn by a peace officer that is capable of both video and audio recording of the officer's activities and interactions with others or collecting digital multimedia evidence as part of an investigation.

BWC data: Audio or video data collected by a BWC.

Redact: Blur video or distort audio so that the identity of the subject in a recording is obscured sufficiently to render the subject unidentifiable.

General citizen contact: An informal encounter with a citizen that is not and does not become law enforcement-related or adversarial, and a recording of the event would not yield information relevant to an ongoing investigation.

Evidentiary value: Information that may be useful as proof in a criminal prosecution, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.

Adversarial: An encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own for the purposes of this policy only may be considered adversarial.

411.04 USE AND DOCUMENTATION

Officers may only use department-issued cameras in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this Department.

All Officers who are issued a BWC must receive training in the use of the BWC by an authorized representative. Only those officers that have been issued a BWC and have received the department-authorized training may operate a BWC. All Ramsey Police Department employees who use the BWC systems shall receive training on these systems and this policy.

All officers issued a BWC are required to wear and use their camera while working in any uniformed assignment. This applies to overtime assignments and uniformed off-duty employment in the City of Ramsey. This would not apply to officers or administrators who predominately do office work. Officers should wear their BWC in the manner specified in training and at or above the mid-line of the waist in a position that maximizes the recording system's capacity to record footage of the officers' activities.

Officers noting a malfunction at any time shall report the malfunction to a supervisor, and a replacement BWC should be used. If no replacement BWC is available, the officer should notify a supervisor as soon as possible.

Officers must document their use and non-use of the department-issued cameras as follows:

- When an officer makes a recording of evidentiary value or relating to a call for service for which a report is written, the existence of the recording can be documented in the incident report.
- If there is a failure to record an activity that is required to be recorded under this policy, or only captures a part of the activity, the officer shall document in the incident report or CAD comments the circumstances and reasons for not recording.

The department will maintain the following records and documents relating to BWC use, which are classified as public data through product software, and will include:

- The total number of BWCs owned or maintained by the agency;
- A daily record of the total number of BWCs actually deployed and used by officers;
- The total amount of recorded BWC data collected and maintained;
- This policy, together with the Records Retention Schedule.

By department policy: no department employee will take any actions intended to damage or render any part of a camera inoperable, overwrite recorded data, or defeat the intended use of the cameras.

Any member assigned to the Anoka-Hennepin Narcotics and Violent Crimes Task Force shall follow the section of the Task Force Operating Procedures and Guidelines Manual relating to Portable Audio/Video Recording Devices while assigned to the Task Force and working in that capacity.

411.05 GENERAL GUIDELINES FOR RECORDING

At no time is an officer expected to jeopardize his or her safety in order to activate the camera. Officers need not activate their cameras when it would be unsafe, impossible, or impractical to do so; however, the cameras should be activated as soon as practical. In such instances of not recording when otherwise required, it must be documented as specified in the Use and Documentation guidelines (section 411.04).

Officers shall activate their camera when responding to all calls for service and during all law enforcement-related encounters and activities, including but not limited to pursuits, Terry stops of motorists and pedestrians, traffic stops, arrests, searches, suspect interviews and interrogations, transport of subject, and during any police/citizen contacts that becomes adversarial.

Officers should not record in hospitals, detox, mental health care facilities, juvenile detention centers, a court of law, and jails unless the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of-force incident.

Except as otherwise directed, officers have the discretion to record or not record incidental general citizen contacts that do not become law enforcement-related or adversarial, and when a recording of the event would not yield information relevant to an ongoing investigation.

Officers have no affirmative duty to inform people that a camera is being operated or that the individuals are being recorded.

Once activated, the camera should continue recording until the conclusion of the incident or until it becomes readily apparent that additional recording is unlikely to capture information having any evidentiary value. The officer having charge of a scene can likewise direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value. Prior to deactivation, officers should state on camera that the recording is being stopped. If circumstances change, officers shall reactivate their cameras as required by this policy to capture information having evidentiary value.

Officers may cease recording under the following situations:

- To protect the identity of an officer in an undercover capacity.

- To protect the identity of an informant.
- If a request is made for a camera to be turned off by a party being contacted, the officer should consider the overall circumstances and what is most beneficial to all involved, before deciding to honor the request. For example, an officer may choose to turn off the camera 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.
- Recording may be temporarily ceased to exchange information with other officers. The reason to cease and resume recording will be noted by the officer verbally on the camera or in a written report.
- When a supervisor has determined in advance that the video or audio data could result in the disclosure of operational or tactical information that would compromise the effectiveness of future actions or jeopardize officer safety.
- When it reasonably appears to the officer that an individual's privacy outweighs any legitimate law enforcement interest in recording. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.
- Officers shall not intentionally block the camera audio or visual recording functionality to defeat the purposes of this policy.
- Notwithstanding any other provision in this policy, officers should avoid intentional recording in police department locker rooms, restrooms, or any police department employee without their knowledge.
- Camera systems shall be configured to record minimally for 30 seconds prior to activations but will not be configured to record audio data during this time.
- This policy is not intended to describe every possible situation in which a camera should be used. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.
- This policy also recognizes that officers encounter tense, uncertain, and rapidly evolving situations regardless of location. Given this fact, officers may unintentionally create a prohibited recording. Officers who are aware they may have created a prohibited recording must report that recording to their supervisor. The video management personnel will manage data recorded in violation of policy.

411.06 DOWNLOADING AND LABELING DATA

Each officer using a BWC is responsible for ensuring their BWC is docked correctly in the designated location by the end of their shift. If the officer becomes aware of an issue in transferring BWC data, a supervisor should be notified.

If an officer is involved in a shooting, in-custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor or investigator shall take custody of the officer's camera and assume responsibility for transferring the data from it. If an investigating agency requests to take control of the camera, the data must first be transferred to the department's

servers and the Chief of Police or designee must authorize the transfer of the camera to the outside agency.

To ensure proper retention periods, it is important officers shall label and classify the camera data files at the time of video capture or transfer to storage. See Appendix A for the classifications and definitions.

411.07 DATA CLASSIFICATION

The consideration of the data subjects should be as follows:

- Any person or entity whose image or voice is documented in the data.
- The officer who collected the data.
- Any other officer whose voice or image is documented in the data.

Under Minnesota Law, Body Worn Camera data is presumptively private or non-public data.

Some recordings may be classified as confidential:

- If the Body Worn Camera data is collected or created as a part of an active investigation, it may be classified as confidential. This confidential classification takes precedence over the private or public classifications.

The Body Worn Camera data that is public is as follows:

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

The above section only applies to public data if no other classification exists per Minnesota Law that would offer protections for the data and subjects of the data.

411.08 ACCESS TO AND USE OF CAMERA DATA BY DEPARTMENT EMPLOYEES

Supervisors and assigned personnel may access and view body worn camera video only when there is a legitimate law enforcement purpose or business need for doing so.

Supervisors are required to review BWC video for all administrative reviews under investigation. Supervisors and internal affairs personnel shall review BWC recordings when administratively

reviewing or investigating any critical incident recorded on a BWC as part of the review/investigation. Examples include but, are not limited to use of force, pursuits, response to calls, emotionally disturbed persons, etc.

Once per month, supervisors may randomly review body worn camera usage by each officer to ensure compliance with this policy and to identify any performance areas in which additional training or guidance is required. Nothing in this policy limits or prohibits the use of Body Worn Camera data as evidence of misconduct or as a basis for discipline.

Officers may access and view stored camera data of incidents in which they have been directly involved. Officers can view saved data to:

- Refresh memories of events and statements prior to completing reports, making statements, or providing testimony.
- Ensure the system is operating properly,
- Self-critique and/or,
- Including the need to review and defend against an allegation of misconduct or substandard performance.

Officers may display portions of the camera footage to witnesses for purposes of investigation as allowed by Minn. State 13.82, subd 15. Officers should generally limit these displays in order to protect against the incidental disclosure of individuals whose identities are not public.

Camera data may be shared with other law enforcement agencies only for legitimate law enforcement purposes. It shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

Agency personnel are prohibited from accessing camera data for non-business reasons and from sharing the data for non-law enforcement-related purposes, including uploading camera data recorded or maintained by this agency to public and social media websites.

Employees seeking access to camera data for non-business reasons may make a request for it in the same manner as any member of the public.

Personally owned devices, including but not limited to computers and mobile devices, shall not be programmed or used to access, view, or record agency camera data.

Officers shall not intentionally edit, alter or erase any camera recording unless otherwise expressly authorized by the Chief or the Chief's designee.

411.09 ACCESS TO DATA BY NON-EMPLOYEES

Requests for copies of or access to the Body Worn Camera data by the media or members of the public should be directed to the Office Supervisor or their designee, who shall process the request in accordance with the Data Practices Act and other governing laws. In particular:

- An individual shall be allowed to review recorded Body Worn Camera data about themselves and other data subjects in the recording. However, access shall not be granted if:
 - The data was collected or created as a part of an active investigation.
 - Portions of the data the agency would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by the Data Practices Act.
 - Instances in which the video is clearly offensive to common sensibilities per the Body Worn Camera Statutes.
- Unless the data is part of an active investigation, an individual data subject, upon request, shall be provided with a copy of the recording. The recording is subject to the following guidelines on redaction:
 - Data on other individuals in the recording who do not consent to the release must be redacted. Consent is not assumed and must be provided by each data subject.
 - Data that would identify undercover officers must be redacted.
 - Data on other officers who are not undercover, that are not on duty and/or engaged in the performance of official duties, may not be redacted.

411.10 DATA RETENTION

All Body Worn Camera data shall be retained in accordance with this policy. When a recording is subject to multiple sections of the following, it must be maintained for the longest applicable period. The department will post this policy and the records retention schedule on its website and maintain an inventory of Body Worn Camera recordings having evidentiary value.

The following data shall be kept in accordance with this policy defined as:

- All recordings that are not subject to the below may be classified as non-evidentiary, or is not maintained for training, shall be retained for a minimum period of 90 days. There are no exceptions for non-evidentiary or erroneously recorded data.
- Upon written request by a body worn camera subject, the agency shall retain a recording pertaining to that subject for additional time up to 180 days. The agency will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received.
- Data documenting the discharge of a firearm by a peace officer in the course of duty, other than for training or killing of an animal that is sick, injured, or dangerous must be maintained for a minimum period of one year.
- Data that documents use of force of a sufficient type or causing substantial bodily harm shall be kept for a minimum of seven years.
- Data that documents circumstances related to a formal complaint made against an officer shall be kept for seven years.
- Other data having evidentiary value shall be retained for the period specified in the Records Retention Schedule.

- After each period, the data may be purged from the system in accordance with the above retention policy and Appendix A.

411.11 COMPLIANCE

Officers failing to adhere to this policy or applicable laws regarding the use of department-issued cameras and any associated data, including but not limited to restrictions regarding accessing such data, are subject to discipline, up to and including termination.

Supervisors shall monitor for compliance with this policy. The unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. § 13.09.

It is the responsibility of this agency to ensure that camera equipment is properly installed and configured.

To ensure that this policy is in compliance with applicable local, state, and federal laws, court rulings, and that it meets the needs of the Department, the BWC program manager will periodically review and evaluate the Body Worn Camera policy and program.

Appendix A

Default Minimum	90 Days
Test	90 Days
Training	90 Days
Data Subject Request	180 Days
Use of Force	7 Years
General Contact	Per Records Retention
Agency Assist	Per Records Retention
Interview (no charges)	Per Records Retention
Non-Felony Arrest	Per Records Retention
Formal Complaint	7 Years
Felony Offense (non-arrest)	7 Years
Felony Arrest	Forever
Criminal Sexual Conduct	Forever
Death	Forever