

SPRING LAKE PARK POLICE DEPARTMENT

DEPARTMENT POLICY

POLICY# 800

EFFECTIVE DATE: JANUARY 1, 2014

REVIEW DATE: JANUARY 1, 2021

RE: TASER AXON BODY WORN CAMERAS “BWC” AND VIDEO RETENTION

PURPOSE:

To establish uniform guidelines for the operation of the Axon Body Worn Cameras and to establish a retention schedule of digital video evidence. The primary use of the Axon Body Worn Cameras for Spring Lake Park Officers is for the purpose of collecting evidence arising from police-citizen contacts, to be used in the prosecution of persons who violate the law and to provide objective information concerning police/citizen contacts in accordance with existing Minnesota Statutes and Laws, including Section 13.82 as amended.

Policy: It is the policy of the Spring Lake Park Police Department to authorize and require only the use of department-issued “BWCs” as set forth below.

Scope:

***All sworn members of the Spring Lake Park Police Department. ***

This policy governs the use of BWCs in the course of official duties. It does not apply to the use of surreptitious recording devices in undercover operations or the use of squad-based video recorders. The Chief, or his designee, may supersede this policy by providing specific instructions for the use of BWCs to individual officers, or providing specific instructions for the use of BWCs pertaining to certain events or classes of events, including but not limited to political rallies and demonstrations. The Chief, or his designee, may also provide specific instructions or standard operating procedures for BWC use to officers assigned to specialized details, such as carrying out duties in courts or guarding prisoners or patients in hospitals and mental health facilities.

Background:

Law Enforcement's use of in-car cameras and body worn cameras has proven effective in reducing violent confrontations and complaints against officers. Cameras provide additional documentation of police/public encounters and may be an important tool for collecting evidence and maintaining public trust. There is also a learning curve that comes with using body-worn cameras. Video cannot always show the full story, nor does it capture an entire scene. The use of cameras does not reduce the requirement to provide thorough written documentation. Persons reviewing recordings must also be cautious before conclusions are reached about what the video shows.

Definitions:

MGDPA or Data Practices Act: Refers to the Minnesota Government Data Practices Act, Minn. Stat: 13.01, et seq.

Records Retention Schedule: Refers to the General Records Retention Schedule for Minnesota Cities.

Law Enforcement-related information: means information captured or available for capture by use of a BWC that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.

Evidentiary Value: Means that the information 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.

General Citizen Contact: Means 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(s). (Examples include, but are not limited to, assisting a motorist with directions, summoning a tow truck, or receiving generalized concerns from a citizen about crime trends in their neighborhood.)

Adversarial: Means a law enforcement 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 are deemed adversarial.

Unintentional Recorded Footage: means video recording that results from an officer's inadvertence or neglect in operating the officer's BWC, provided that no portion of the resulting recording has evidentiary or administrative value.

Official Duties: Means that the officer is on duty and performing authorized law enforcement services on behalf of the Spring Lake Park Police Department.

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

Body Worn Camera "BWC" - A camera worn on an individual officer's person that records and stores audio and video data.

"BWC" Program Administrator – Police Department program administrator for Evidence.com and "BWC" system with full access to user rights and sets user access and parameters.

Digital Evidence – "BWC" files, including photographs, audio recordings and video footage, captured by a "BWC", all metadata and stored digitally.

Evidence Transfer Manager "ETM" – A multi-ported docking station that simultaneously recharges the "BWC" while uploading all digitally encrypted data from the device. The docking station then transfers the digitally encrypted data to Evidence.com.

Evidence.com – A digital evidence management service contracted for the City of Spring Lake Park and accessed at slppd.evidence.com. This service stores digitally encrypted data in a highly secure environment accessible to personnel based on security clearance.

Metadata – Case numbers, Incident numbers and other descriptors used to identify digital evidence. There are up to twelve searchable fields into which this metadata can be entered.

Procedures:

A. Officer Safety takes Precedence over Recording Events

Officers shall follow existing officer safety policies when conducting enforcement stops as outlined in departmental policies and procedures. Officer safety shall be the primary consideration when conducting official law enforcement duties and facilitating police/citizen contacts.

B. General:

1. Enhance Officer Safety
2. Enhance Public Trust
3. Only authorized personnel shall use or be in possession of a “BWC” device.
4. “BWC” equipment is for official use only and shall not be utilized for personal use.
5. Allow for accurate documentation of police-public contacts, arrests and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
6. Enhance this agency’s (Spring Lake Park Police Department) ability to review probable cause for arrest, officer and suspect interaction and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training
7. Officers shall not tamper with or dismantle any hardware or software component of any “BWC” device.
8. The use of any other personal recording device, for the same purpose, is not authorized without written permission of the Chief of Police.
9. All digital evidence collected using the “BWC” is considered a record of the Spring Lake Park Police Department and is for official use only.
10. Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use, and contrary to this procedure; is strictly prohibited. Public release of digital evidence is prohibited, unless approved by the Chief of Police.
11. Personal Computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a secondary recording device such as a video camera, cell phone, or other device to record or capture digital evidence from Slppd.evidence.com is strictly prohibited.

C. “BWC” Modes of Operation (Taser Axon)

1. “BWC” system operates on rechargeable battery power for up to twelve hours of continuous buffering and records up to ten hours of continuous video and audio media. The user can view recordings and add metadata to monitors, computers, and smart phones by downloading a specific software application (**Smartphones -optional – not required**). Viewing or adding metadata will not alter the video recording, as it is protected with multiple layers of encryption on the aforementioned devices, the “BWC” itself, and at Evidence.com.
2. Buffering Mode – is when a “BWC” is on but has not been activated to record both sound and video. While in the buffering mode, the camera will continuously record only video in (30) second loops.

3. Event Mode – is when the Event button is activated and the camera is recording both audio and video. The buffered video (not audio) captured directly before the event will be saved and attached to the event in permanent memory. Repeated pressing of the Event button turns the recordings on and off and creates separate media segments.

D. Pre-shift inspection:

1. Officers shall inspect their assigned “BWC” devices daily to ensure there is no visual damage and the device is in working order.
2. Visual damage shall be logged on the officer’s daily log and the officer’s immediate supervisor shall be immediately notified if applicable.
3. Inoperable equipment shall be presented to the “BWC” Program Administrator (Officer’s Immediate Supervisor) and a replacement device will be assigned (if available).

E. Camera Position:

1. Officers shall wear their assigned “BWC” devices by the department-approved methods on their body.
2. It shall be the responsibility of the officer, due to differences in stature of officers, to adjust the “BWC” appropriately to capture the desired video.
3. Officer failure to appropriately adjust “BWC”, while being worn, is not acceptable and a violation of department policy.

F. Equipment Repair, Replacement and Maintenance

1. When a “BWC” malfunctions, the officer will notify his or her immediate supervisor.
2. The officer will note the nature of the malfunction in his or her daily log.
3. The inoperable equipment will be taken to the “BWC” Program Administrator (Officer’s Immediate Supervisor).
4. If the “BWC” Program Administrator cannot repair the device, the manufacturer will be contacted to facilitate the repair. Repair and replacement of damaged or nonfunctional “BWC” equipment will be coordinated through the “BWC” Program Administrator and an authorized-service provider.
5. This procedure will be followed for all “BWC” related equipment and accessories.

G. Advisements about Recording:

1. Private Citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence. Therefore, officers are not required to give notice they are recording. However, if asked, officers shall advise citizens they are being recorded.
2. Officers are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.
3. Officers and supervisors involved in the investigation of a complaint against a member of the police department must inform complainants and witnesses they are being recorded.

H. When and Where to Record:

1. Police personnel who are assigned "BWC'S" must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates or other revisions in policy and equipment.
2. Enforcement-Related Contacts:
 - a. Officers shall use the event mode to record enforcement related contacts. The event mode should be activated prior to actual contact with the citizen, or as soon as safely possible thereafter, and continue recording until the contact is concluded.
 - b. Enforcement-related contacts may include, but not be limited to the following; Terry stops of motorists and pedestrians, traffic stops, field interviews, detentions, arrests, searches, during any police/citizen contacts that become adversarial, when persons are present at radio calls who are accused of crimes, and consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of the encounter.
 - c. Covering another City employee or law enforcement officer during an enforcement contact.
 - d. Officers do have the discretion to record or not record general citizen contacts as long as the contact does not become adversarial and there is no evidentiary value to the contact.
 - e. Officers shall not intentionally block the BWC's audio or visual recording functionality to defeat the purposes of this policy.
 - f. Officers shall not intentionally edit, alter, or erase any BWC recording, unless otherwise expressly authorized by the Chief of Police, or his designee, or outside the requirements of the established retention schedule.

- g. Officers shall activate their BWCs to document any use of force situations and the circumstances surrounding it.
- h. Officers may activate their BWC at calls for medical care if there is a reason to believe the recording would document information having evidentiary value, or if an individual is believed to be experiencing a mental health crisis or event to establish record of symptoms or behaviors believed to be attributable to the mental health issue.
- i. Officers should use their BWCs or squad-based audio/video system to record their transportation and the physical transfer of persons in their custody to hospitals, detox, mental health care facilities, juvenile detention centers, and jails.
- j. Officer working **plain-clothed** assignments without BWCs are exempt from this policy.

3. Arrests:

- a. Officers may stop recording in the event mode when the arrestee is safely secured inside a police car or law enforcement facility. If an arrestee becomes uncooperative, or if there is some evidentiary purpose, officers should resume recording in the event mode.
- b. If the officer resumes recording in the event mode, the camera shall remain in the event mode until the officer no longer has contact with the subject.

4. Suspect Interviews:

- a. Officers are encouraged to fully record suspect interviews. Officers should not stop and start the recording during a suspect interview.
- b. When recording interviews, officers shall ensure they record any admonishments (Miranda Warning – when appropriate, etc.) prior to the start of the interview.

5. Private Residences:

Private Citizens have a reasonable expectation of privacy in their homes. However, when officers are lawfully present in a home in the course of official duties, there is no reasonable expectation of privacy.

6. Searches:

During the execution of a search warrant, an arrest warrant, a Fourth Amendment waiver search, or a consent search in which the officer is looking for evidence or contraband.

I. When and Where Not to Record:

1. Communications with other police personnel without the permission of the Chief Law Enforcement Officer (CLEO)
2. Encounters with undercover officers or confidential informants.
3. "BWC's" shall not be used to record non-work related activity.
4. "BWC's" shall not be used to record in areas or activities such as pre-shift conferences, department meetings, locker rooms, break rooms, or other activities not related to a criminal investigation.
5. "BWC's" shall not be used during department administrative investigations.
6. General interactions with: (For example but not limited to: Co-workers, Supervisors, Chief of Police, City Administrator, Mayor and Council Members, or any other employees of the City of Spring Lake Park.
7. Patient Privacy:
 - a. Officers shall not record patients during medical or psychological evaluations by a clinician or similar professional or during treatment, unless required for evidentiary purposes, (Example: Legal Blood, etc.). Officers shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers shall be careful to avoid recording persons other than the suspect.
 - b. Officers shall not record while in a facility whose primary purpose is to provide psychiatric services, unless lawfully present in the course of official duties responding to a call involving a suspect who is still present.
 - c. Officers shall not record while inside jail facilities.
 - d. If an unintentional recording does occur, the officer may make a written/verbal request to his/her supervisor to have the unintentional recording deleted. The supervisor must verify and document this request before deleting the unintentional recording.
8. Generally, officers should not record informal or casual encounters with members of the public. Officers should consider that recording people in some circumstances may inhibit sharing neighborhood information or developing strong ties between members of the community and officers.

J. Documentation of recorded Events:

1. All recordings shall be documented on ICR's, Arrest reports, and related reports and as appropriate.

2. If an officer fails to record an activity that is required to be recorded under this policy or captures only part of the activity, the officer must document the circumstances and reasons for not recording in their report/ICR. Supervisors shall review these reports and initiate any corrective action deemed necessary.

K. Entering Metadata

Each recorded segment requires metadata be entered, even if the segments are of the same event. Metadata should be added at the conclusion of the event. In case of a delay, metadata should be added as soon as possible, but no later than the end of the officer's scheduled shift.

Metadata as defined in this policy shall also include below appropriate classifications;

Evidence- Criminal: Evidentiary value with respect to an actual or suspected criminal incident or charging decision.

Evidence-Force: Whether or not enforcement actions were taken or an arrest resulted, the event involved the application of force by a law enforcement officer of the Spring Lake Park Police Department or another agency.

Evidence- Property: Whether or not enforcement actions was taken or an arrest resulted, an officer seized property from an individual or directed an individual to dispossess property.

Evidence- Administrative: The incident involved an adversarial encounter.

Evidence-Other: The recording has potential evidentiary value for reasons identified by the officer at the time of labeling.

Training: The event was such that it may have value for training and has received approval, as outlined in this policy.

Unintentionally Recorded Footage: Footage as defined in the definitions section of this policy.

Not Evidence: The recording does not contain any of the foregoing categories of information, and has no apparent evidentiary value. Recordings of general citizen contacts are not evidence.

Officers shall also indicate each file as appropriate, if it contains information about data subjects who may have rights under MGDPA (Data Practices) limiting public disclosure of information about them. These individuals include:

1. Victims and alleged victims of criminal sexual conduct
2. Victims of child abuse or neglect
3. Vulnerable adults who are victims of maltreatment
4. Undercover Officers
5. Informants
6. When the video is clearly offensive to common sensitivities
7. Victims of and witnesses to crimes, if the victim or witness has requested not be identified publicly
8. Individuals who called 911, and services subscribers whose lines were used to place a call to the 911 system
9. Mandated Reporters
10. Juvenile witnesses, if the nature of the event or activity justifies protecting the identity of the witness.
11. Juveniles who are or may be delinquent or engaged in criminal acts.
12. Individuals who make complaints about violations, with respect to the use of real property
13. Officers and employees who are the subject of a complaint related to the events captured on video
14. Other individuals whose identities the officer believes may be legally protected from public disclosure.

**** Labeling and flagging designations may be corrected or amended based on additional information. ****

L. Downloading Procedures:

Each officer using a “BWC” is responsible for transferring or assuring the proper transfer of the data from his or her camera to “Evidence.com” at the end of that officer’s shift. After verifying the required metadata has been added to all recorded events, officers shall place the “BWC” into a slot on the “ETM”. This will allow for the battery to recharge. The data will automatically be transferred from the “BWC” through the “ETM” to Evidence.com. The data is considered downloading at this point.

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 “BWC” and assume responsibility for transferring the data from it

M. Accessing Downloaded Digital Evidence:

Officers may access and view stored BWC video only when there is a business need to do so, supervisors will review video regarding allegations of misconduct or substandard performance. Officers may review video footage of an incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about an incident. ***Unless involved in an “Officer involved Shooting”. Then it is the policy of the Spring Lake Park Police Department to adhere to the Minnesota Bureau of Criminals Apprehensions “BCA” policy in its entirety, including officers not reviewing video before giving a statement.***

Officers are able to access video as indicated below.

1. All those given permission associated with Evidence.com may review digital evidence.
2. Using a department computer, enter slppd.evidence.com in the browser.
3. Enter assigned user name and password. For help with problems, contact the Department Program Administrator.
4. Digital Evidence can be viewed and/or copied from this location.
5. Officers may display portions of” BWC” footage to witnesses as necessary for purposes of investigation as allowed by Minn. Stat. 13.82, Subd.15 as may be amended from time to time. Officers should limit these displays to protect against the incidental disclosure of individuals whose identities are not public.
6. Agency personnel shall document their reasons for accessing stored “BWC” data at the time of each access. Agency personnel are prohibited from accessing “BWC” data for non-official business reasons and from sharing the data for non-law enforcement related purposes, including but not limited to uploading “BWC” data recorded or maintained by this agency onto public and social media websites.
7. Officers shall refer members of the media or public seeking access to” BWC” data to the Chief of Police, who will forward the request in accordance with the MGDPA and other governing laws. Employees seeking access to “BWC” data for non-official business reasons may make a request for it in the same manner as any member of the public.
8. “BWC” data shall be made available to prosecutors, courts, and other criminal justice entities; as provided by law and our standard operating practices.

N. Data Classification: Court Authorized Disclosure:

- I.* Data collected by a “BWC” recording system are private data on individuals or nonpublic data, subject to the following:
 - a.* Data that document the discharge of a firearm by a peace officer in the course of duty, if required under section 626.553, subd. 2 or the use of force by a peace officer that results in substantial bodily harm as defined in section 609.02, subd. 7a, are public,
 - b.* Data are public if a subject of the data requests it be made accessible to the public except that, if practicable, 1) data on a subject who is not a peace officer and who does not consent to the release must be redacted, and 2) data of a peace officer whose identity is protected under section 13.82, subd.17, clause (a), must be redacted:
 - c.* “BWC” data that are active criminal investigative data are governed by section 13.82, subd. 7 and “BWC” data that are inactive criminal investigative data are governed by this section;
 - d.* “BWC” data that are public personnel data under section 13.42, subdivision2, clause (5), are public; and
 - e.* Data that are not public data under other provisions of this chapter retain that classification.
 - 1)* A law enforcement agency may redact or withhold access to portions of data that are public under this subdivision if portions of data are clearly offensive to common sensibilities.
 - 2)* Section 13.04, subdivision, does not apply to collection of data classified by this subdivision.
 - 3)* Any person may bring an action in the district court located in the county where “BWC” data are being maintained to authorized disclosure of data that are private or nonpublic under this section or to challenge a determination under paragraph 1, to redact or withhold access to portions of data because the data are clearly offensive to common sensibilities. The person bringing the action must give notice of the action to law enforcement agency and subjects of the data, if known. The law enforcement agency must give notice to other subjects of the data, if known, who did not receive the notice from the person bringing the action. The court may order that all or part of the data be released to the public or to the person bringing the action. In making this determination, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency, or to a subject of the data and, if the action is challenging, a determination under paragraph 1, whether the data are clearly offensive to common sensibilities. The data in dispute must be examined by the court in camera.

This paragraph does not affect the right of a defendant in a criminal proceeding to obtain access to “BWC” data under the Rule of Criminal Procedure.

O. Access by data subjects:

1. For the purposes of this chapter, a “BWC” data subject includes the peace officer who collected the data, and any other individual or entity, including any other peace officer, regardless of whether the officer is or can be identified by the recording, whose image or voice is documented in the data.
2. An individual who is the subject of “BWC” data has access to the data, including data on other individuals who are the subject of the recording. If the individual requests a copy of the recording, data on other individuals who do not consent to its release must be redacted from the copy. The identity and activities of an on-duty peace officer engaged in an investigation or response to an emergency, incident, or request for service may not be redacted, unless the officer’s identity is subject to protection under section 13.82, subdivision 17, clause (a).

P. Retention of Digital Evidence:

Digital Evidence is securely stored in accordance with the Minnesota Government Data Practices Act and the Minnesota State Records Retention Laws and no longer than useful for purposes of training or for uses in an investigation or prosecutions. In capital punishment prosecutions, recordings shall be kept permanently. Listed below is a guideline for retention of videos per General Records Retention Schedule for Minnesota Cities (When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable retention period) and Minnesota Statutes:

| | |
|----------------------|--|
| Use of Force | 6yrs |
| Arrest’s and Charges | 90 days after final disposition or appeals. (If use of force then hold 6yrs). |
| Pursuit | 90 days after final disposition or appeals. (If use of force then hold 6yrs). |

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| Transport | 90 days (Per MN Statute- 2016-Min.) |
| Traffic Stop with citation | 90 days after final disposition or appeals. |
| Traffic Stop without citation | 90 days (Per MN Statute-2016- Min.) |
| Vehicle Search | 90 days (Per MN Statute-2016- Min) |
| Non-Evidentiary | 90 days (Per MN Statute-2016) |
| Discharge of Firearm | 1 year – If notice is required under section 626.553, subd. 2 (If Use of Force then hold 6 years) |
| Formal Officer Complaint | 1 year |
| Data Subject Written Request | Above standard retention period- will be held an additional 180 days upon each written request. |
| Test | End of Shift |
| Medicals | 90 days |
| Unintentional Recording | Shall not be retained, but will be addressed as stated in this policy and per MN Statute-2016. |

*** If information comes to light indicating that non-evidentiary data has evidentiary value, exculpatory use or value for training, it may be reclassified and retained for a longer period. ***

The Spring Lake Park Police Department shall maintain an inventory of “BWC” recordings as documented in “Evidence.com”.

The Spring Lake Park Police Department, in accordance with Minnesota State Law, will post information on our website concerning retention periods for “BWC” video data.

Q. Reviewing Downloaded Digital Evidence:

1. Officers may review their own recordings.
2. The Spring Lake Park Investigator is responsible for reviewing, updating and tracking digital evidence associated with assigned cases.
3. Digital evidence captured by the “BWC” is not all inclusive. The system captures a less broad and less detailed image than the totality of the human senses. An officer’s recollection of specific details may be different than what is captured in digital evidence. Officers should review digital evidence prior to completing reports when necessary to ensure accuracy. Officers shall review digital evidence prior to providing testimony at hearings, trial, or depositions.
4. It is not the intent of the Department to review digital evidence for the purpose of general performance review, for routine preparation of performance reports, or to discover policy violations.
5. Digital Evidence may be viewed for administrative purposes to include but not limited to:
 - a. Any incident in which a member of the Department is injured or killed during the performance of their duties.
 - b. Any incident involving the use of force by a member of the department which results in injury or death.
 - c. Any in-custody death.
 - d. Any police pursuit
 - e. When any member of the department intentionally or unintentionally discharges a firearm at a person, regardless whether an individual is struck.
 - f. When any member of the department, not involved in training, intentionally or unintentionally discharges a “Conductive Energy Weapon” at a person, including the application of a drive stun.
 - g. Officer involved traffic collision.
 - h. Prior to release of recording in response to proper legal request (Ex: subpoena or other court order)
 - i. In preparation for a civil deposition or responding to an interrogatory where the incident arises from the employee’s official duties.
 - j. When preparing to testify in a criminal, civil or administrative proceeding arising from the employee’s official duties.
 - k. For investigations undertaken by the department, for the purpose of proving or disproving specific allegations of misconduct.
 - l. For administrative proceedings, when digital evidence is used by the department for the purpose of proving or disproving allegations of misconduct, only digital evidence relevant to the investigative scope shall be viewed and retained by investigators. Information relevant to the recordings viewed and seized as evidence by investigators shall be documented as part of the chronological summary of any investigation

undertaken by the department.

- m. At least on a monthly basis, supervisors will randomly review mobile audio/video recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any area in which additional training or guidance is required.
 - n. Nothing in this policy limits or prohibits the use of “BWC” data as evidence of misconduct or as a basis for discipline
6. In situations where there is a need to review digital evidence not covered by this procedure, the Chief Law Enforcement Officer or his designee must approve the request. Each situation will be evaluated on a case by case basis.

R. Discovery of Misconduct:

Sergeants reviewing event recording should remain focused on the incident or incidents in question and review only those recordings relevant to their investigative scope. If improper conduct is discovered during any review of digital evidence, the Sergeant may take the necessary steps to council, train, or recommend discipline for the officer involved; in adherence with local department policy and/or current union bargaining agreement, and in accordance with unauthorized access to data contained in section 13.09

S. Copying and Releasing Digital Evidence:

Digital evidence captured by “BWC” shall be treated as official records and handled pursuant to existing department policies and procedures.

T. Use of Digital Evidence for Training Purposes:

Officers and supervisors may find it useful, and are encouraged to review recordings of incidents of which they were involved when beneficial for the purpose of conducting a tactical debrief. When an incident is recorded which may be of value as a training aid for a broad section of the department, the recording officer or that officer’s supervisor should contact the Chief Law Enforcement Officer (CLEO) who will review the digital evidence to determine the value of the incident for training. If the “CLEO” determines the incident would be an appropriate training aid, the “CLEO” shall obtain approval from the Department Legal Advisor.

U. “BWC” Program Administrator Responsibilities:

“BWC” Program Administrators shall be the “Sergeants” of the Spring Lake Park Police Department. “BWC” Program Administrators are responsible for performing the following duties:

1. Maintain and troubleshoot the “BWC” units
2. Maintain a record of assigned “BWC” and related equipment
3. Be proactive and able to complete minor repairs.
4. Arrange for the warranty and non-warranty repair of the “BWC” units
5. Repair or replace “BWC” components (Cameras, docking stations, etc.)
6. Maintain “BWC” equipment repair and maintenance records.
7. Update software and system settings as necessary
8. Train officers on current policy and proper use of “BWC” units.

V. Biennial Audit:

Pursuant to Chapter 13.825 Subd. 9. And MN State Law, law enforcement agencies shall arrange for an independent biennial audit (every two years) to audit the data to determine whether data is appropriately classified, how the data is used, and whether the data is destroyed as required and is in compliance with Minnesota State Law and General Records Retention Schedule for Minnesota Cities.

The governing body with jurisdiction over the budget of the agency determines whether the agency is not complying with this section or other applicable law, the governing body may order additional independent audits.

The results of the audit are public, except for data that are otherwise classified under law. The governing body with jurisdiction over the budget of the law enforcement agency shall review the results of the audit. If the governing body determines that there is a pattern of substantial noncompliance with this section, the governing body must order that operation of all portable recording systems be suspended until the governing body has authorized the agency to reinstate their use. An order of suspension under this section may only be made following review of the results of the audit and review of the applicable provisions of this chapter, and after providing the agency and members of the public a reasonable opportunity to respond to the audit’s findings in a public meeting.

A report summarizing the results of each audit must be provided to the governing body with jurisdiction over the budget of the law enforcement agency and to the Legislative Commission on Data Practices and Personal Data Privacy no later than 60 days following completion of the audit.