



**NORTH MANKATO POLICE DEPARTMENT
Body Worn Camera
Policy # 7a**

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Purpose

The primary purpose of using body-worn-cameras (BWCs) is to capture evidence arising from police-citizen encounters. This policy sets forth guidelines governing the use of BWCs and the management, access, storage, retrieval, retention, and the administering of the data that results. Compliance with these guidelines is mandatory, but it is recognized that officers must also attend to other primary duties and the safety of all concerned, sometimes in circumstances that are tense, uncertain, and rapidly evolving. It is recognized and understood that not every aspect of an incident will be captured by a BWC, but it is another form of supporting documentation of an incident.

Policy

It is the policy of the North Mankato Police Department (the “agency”) to authorize and require the use of agency issued BWCs as set forth below, and to administer BWC data as provided by law. This policy does not apply to squad-based (dash-cam) recording systems. The Chief or his/her designee may provide specific instruction to an officer assigned to a specialty unit or assignment.

STANDARDS OF CONDUCT

Definitions

A. **Adversarial:** 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, shouting or body posturing. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.

B. **Body-Worn-Camera (BWC):** A camera worn on an individual officer’s person that records and stores audio and video.

C. **BWC Administrator:** A supervisor designated by the chief of police who orders, assigns, tracks, and coordinates maintenance of BWC equipment, oversees needed repairs or replacement equipment through the vendor, controls user rights and access, acts as a liaison with the vendor, maintains logs reflecting BWC equipment assignments, serial numbers,

dates of issuance, and the officers to which each BWC was issued, ensures that BWC policies and procedures are reviewed and updated as needed, and coordinates biannual audit of BWC program.

D. *Evidentiary Value:* 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.

E. *General Citizen Contact:* An informal or passing 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 any investigation or serve any purpose outlined in this policy.

F. *MGDPA or Data Practices Act:* The Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.

G. *Official Duties:* For purposes of this policy, means that the officer is on duty and performing authorized law enforcement services on behalf of this Agency.

H. *Records Retention Schedule:* The General Records Retention Schedule for Minnesota Cities.

I. *Unintentionally Recorded Footage:* A video recording that results from an officer's inadvertence in operating the officer's BWC, provided that no portion of the resulting recording has evidentiary value. Examples of unintentionally recorded footage include, but are not limited to, recordings made in station house locker rooms, restrooms, and recordings made while officers were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded.

Objectives

The North Mankato Police Department has adopted the use body worn cameras to accomplish the following objectives:

- A. To enhance officer safety.
- B. To document statements and events during an incident.
- C. To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- D. To preserve audio and visual information for use in current and future investigations.
- E. To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of audio-video recording.
- F. To promote the civility of police-civilian encounters.

G. To provide objective evidence to help resolve civilian complaints against police officers and the City of North Mankato.

H. To protect the civil rights of the community.

I. To assist with training and evaluation of officers.

Use and Documentation

A. Officers who have been issued BWCs shall operate and use them consistent with this policy. This includes performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official.

B. Officers may only use department issued BWC's in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this department.

C. Officers shall power on their BWC upon the start of their shift and ensure their assigned BWC is functioning properly. Officers noting a malfunction during testing or at any other time shall promptly report the malfunction to the BWC Administrator either in person or via email. The officer shall use another available BWC and ensure that it has been tested and is operating properly. The BWC Administrator shall take prompt action to remedy the malfunctions and document the corrective action.

D. Uniformed officers are required to wear their agency issued BWC while on duty. Wearing the BWC may be exempted at the discretion of the chief of police for formalized events (e.g., officers in Class A uniform for funerals, awards ceremonies, etc.).

E. Officers assigned to plain clothes, investigative assignment, are not required to wear a BWC during their day-to-day work unless assisting on an active call for service, or if they believe the use of a BWC would be useful given the circumstances of an investigation.

F. Officers serving as an agent of the MN River Valley Drug Task Force shall wear and activate their BWCs, when feasible, without jeopardizing agent safety prior to the execution of any search warrant, reasonably anticipated/pre-planned arrest events, or assisting on an active call for service.

G. Officers actively serving as a member of the MN River Valley Tactical Response Team in response to a team activation or callout, shall wear their BWCs and activate them when feasible, without jeopardizing officer safety, upon arrival at any inner perimeter assignment, or any other position/assignment within the inner perimeter of a scene, until the location is secured, directed to discontinue recording by a supervisor, or the officer is relieved to a stand-by role.

H. Officers shall wear their issued BWCs at or above the mid-line of the waist in a position that maximizes the recording system's capacity to record video footage.

I. Officers must document BWC use, and non-use as follows:

1. Whenever an officer makes a recording, the existence of the recording shall be

documented in the officer's incident report or citation notes.

2. Whenever an officer fails to record an activity that is required to be recorded under this policy or fails to record when the officer should have reasonably known to activate the BWC, the officer shall document the circumstances and reason for not recording in the officer's incident report and notify their immediate supervisor. The supervisor shall review the circumstances and initiate corrective action.

H. The agency will maintain the following records and documents relating to BWC use, which are classified as public data:

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

General Guidelines for Recording

A. This policy is not intended to describe every possible situation in which the BWC should be activated, although there are many situations where use of the BWC is appropriate. Officers should activate the BWC any time the user believes it would be appropriate or valuable, or to record an incident if there is reason to believe the recording would potentially yield information having evidentiary value unless such recording is otherwise expressly prohibited.

Officers shall activate their BWC's when anticipating that they will become involved in, or witness other officers of this agency or another involved in a pursuit, Terry stop/frisk, traffic stop of a motorist, an investigative stop of a pedestrian, searches, seizures, arrests, use of force incidents, or any encounter that becomes in any way hostile, confrontational, or adversarial, or during other activities likely to yield information having evidentiary value.

Officers need not activate their cameras when it would be unsafe, impossible, or impracticable to do so, but in such instances of not recording when otherwise required must be documented as specified in the Use and Documentation guidelines, part (I)(2) above.

B. Officers have the discretion to record or not record general citizen contacts.

C. If designated Brady-Giglio impaired, officers must activate BWC when responding to all calls for service unless otherwise prohibited by this policy.

D. Officers have no affirmative duty to inform people that a BWC is being operated or that the individuals are being recorded. However, if asked, officers shall advise citizens they are being recorded.

E. Officers shall not intentionally block the BWC's audio or visual recording functionality to defeat the purposes of this policy.

F. Officers are allowed to temporarily mute the audio recording by using the mute button. Officers must describe why they are muting the conversation prior to doing so. Such reasons include coaching between a field training officer and their trainee, tactical pre-planning, supervisory conversations, conversations with legal counsel, or brief conversations between officers of a non-evidentiary value while on scene.

G. Notwithstanding any other provision of this policy, officers shall not use their BWCs to record other agency personnel during non-enforcement related activities, such as during pre- and post-shift time in locker rooms, during meals or breaks, during shift briefing or other meetings, or during other private conversations, unless recording is authorized as part of an administrative or criminal investigation.

Special Guidelines for Recording

A. Officers shall use their BWCs and squad-based audio/video systems to record their transportation and the physical transfer of persons in their custody to hospitals, detox and mental health care facilities, juvenile detention centers, and jails, but otherwise BWC's shall not be used to record inside these facilities, unless the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of-force incident.

B. Officers need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value.

C. When responding to an apparent mental health crisis or event, BWCs shall be activated to document any use of force and the basis for it, and any other information having evidentiary value, but need not be activated when doing so would serve only to record symptoms or behaviors to be attributable to the mental health issue.

D. Officers may, in the exercise of sound discretion, use their BWCs to take recorded statements from persons believed to be victims of and witnesses to crimes, and persons suspected of committing crimes, considering the needs of the investigation and the circumstances pertaining to the victim, witness, or suspect. Officers should record these statements in environments that are controlled and free from unnecessary noise/distraction/interference.

E. Officers are prohibited from using Agency-issued BWC equipment for personal use and are prohibited from making and/or disseminating personal copies of recordings created while on duty or while acting in their official capacity.

F. There shall be no audio or video recordings made in any court of law, unless authorized by a Judge (Minn. Court Rule 4, General Rules of Practice).

Cessation of Recording

A. 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. The officer having charge of a scene shall likewise direct the

discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value. If the recording is discontinued while an investigation, response, or incident is ongoing, officers shall state the reasons for ceasing the recording on camera before deactivating their BWC. A statement on camera such as, “Everything has settled down and the action appears to be over” should often suffice as a statement of reasons for stopping to record. If circumstances change, officers shall reactivate their cameras as required by this policy to capture information having evidentiary value.

B. BWC recordings may be ceased during long term traffic assistance activities such as waiting for a tow truck, providing emergency lighting at traffic accidents, or other similar situations.

Uploading and Labeling Data

A. Each officer using a BWC is responsible for assuring the proper transfer of the data from his or her camera to the WatchGuard/Motorola Solutions storage program at the end of that officer’s shift. However, if the 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 all BWCs off all officers involved in the incident and assume responsibility for transferring the data from it.

B. Officers shall label the BWC data files as outlined below at the time of video capture or transfer to storage and should consult with a supervisor if in doubt as to the appropriate labeling. Officers shall also include the appropriate case number.

C. Officers must identify footage having retention periods longer than 180 days and ensure the data is not automatically deleted from the server (a.k.a. “prevent purge”).

Category	Description	Retention Duration
Adversarial Contact	See Definitions; (A), Page 1	2 years
Evidence	See Definitions; (D) Page 2	6 years Homicides: Permanent
Miscellaneous	Tests, unintentional recordings, etc.	180 days
Non-enforcement contact	General call for service, resulting in no enforcement action or no evidentiary value	180 days
Traffic Stop- Citation	Citation issued for traffic offense.	3 years
Traffic Stop- Warning	Traffic warning- verbal or written.	180 days

Warrant Arrest	Arrest and transport of subject on warrant with no local charges	180 days
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C. An officer shall notify the Administrative Support Coordinator as appropriate of recordings that contain information about data subjects who may have rights under the MGDPA limiting disclosure of information about them. These individuals include:

1. Victims and alleged victims of criminal sexual conduct and sex trafficking.
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 to be identified publicly.
8. Individuals who called 911, and service 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.

D. Labeling designations may be corrected or amended based on additional information.

Data Retention

A. All BWC data shall be retained for a minimum period of 180 days. There are no exceptions for erroneously recorded or non-evidentiary data.

B. 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, must be maintained for a minimum period of one year.

C. Certain kinds of BWC data must be retained for six years:

1. Data that documents the use of deadly force by a peace officer, or force of a sufficient type or degree to require a use of force report or supervisory review.
2. Data documenting circumstances that have given rise to a formal complaint against an officer.

D. Other data having evidentiary value shall be retained for the period specified in the Records Retention Schedule. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable period.

E. Upon written request by a BWC data subject, the agency shall retain a recording pertaining to that subject for an additional time period requested by the subject of 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.

F. The department shall maintain an inventory of BWC recordings having evidentiary value.

G. The department will post this policy, together with [a link to] its Records Retention Schedule, on its website.

Administering Access to BWC Data:

A. **Data subjects.** Under Minnesota law, the following are considered data subjects for purposes of administering access to BWC data:

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

B. **BWC data is presumptively private.** BWC recordings are classified as private data about the data subjects unless there is a specific law that provides differently. As a result:

1. BWC data pertaining to people is presumed private, as is BWC data pertaining to businesses or other entities.
2. Some BWC data is classified as confidential (see C. below).
3. Some BWC data is classified as public (see D. below).

C. **Confidential data.** BWC data that is collected or created as part of an active criminal investigation is confidential. This classification takes precedence over the “private” classification listed above and the “public” classifications listed below.

D. **Public data.** The following BWC data is public:

1. 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.
2. Data that documents the use of force by a peace officer that results in substantial bodily harm.

3. Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any data subject (other than a peace officer) who has not consented to the public release must be redacted. In addition, any data on undercover officers must be redacted.

4. Data that documents the final disposition of a disciplinary action against a public employee.

However, if another provision of the Data Practices Act classifies data as private or otherwise not public, the data retains that other classification. For instance, data that reveals protected identities under Minn. Stat. § 13.82, subd. 17 (e.g., certain victims, witnesses, and others) should not be released even if it would otherwise fit into one of the public categories listed above.

E. Access to BWC data by non-employees. Officers shall refer members of the media or public seeking access to BWC data to the Administrative Support Coordinator who shall process the request in accordance with the MGDPA and other governing laws. In particular:

1. An individual shall be allowed to review recorded BWC data about him- or herself and other data subjects in the recording, but access shall not be granted:

a. If the data was collected or created as part of an active investigation.

b. To portions of the data that the Agency would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minn. Stat. § 13.82, subd. 17.

2. Unless the data is part of an active investigation, an individual data subject shall be provided with a copy of the recording upon request, but subject to the following guidelines on redaction:

a. Data on other individuals in the recording who do not consent to the release must be redacted.

b. Data that would identify undercover officers must be redacted.

c. Data on other officers who are not undercover, and who are on duty and engaged in the performance of official duties, may not be redacted.

F. Access by peace officers and law enforcement employees. No employee may have access to the agency's BWC data except for legitimate law enforcement or data administration purposes:

1. Officers may access and view stored BWC video only when there is a business need for doing so, including the need to defend against an allegation 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 the incident.

2. Agency personnel are prohibited from accessing BWC data for non-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 to public and social media websites.

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

G. Other authorized disclosures of data. 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 generally limit these displays in order to protect against the incidental disclosure of individuals whose identities are not public. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio but not displaying video. In addition:

1. BWC data may be shared with other law enforcement agencies only for legitimate law enforcement purposes.
2. BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.
3. Unless there is any law to the contrary, when an individual dies as a result of a use of force by a peace officer, an involved North Mankato Police Officer's BWC recordings must be allowed to be inspected, upon their request, all recording system data redacted no more than what is required by law, documenting the incident within five days to:
 - a. The deceased individual's next of kin; and
 - b. The legal representative of the deceased individual's next of kin; and
 - c. The other parent of the deceased individual's child

The North Mankato Police Department may deny a request if it is determined that there is a compelling reason that inspection would interfere with an active investigation. If access is denied, the chief of police must provide a prompt, written denial to the individual who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the District Court pursuant to section 13.82, subdivision 7.

4. Unless there is any law to the contrary, when an individual dies as a result of a use of force by a peace officer, the North Mankato Police Department shall release all BWCs recording of the involved North Mankato Police Officer(s), redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the chief of police asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by section 13.82, subd. 7.

Data Security Safeguards

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

B. Officers shall not intentionally edit, alter, erase, or destroy any recording made with their BWC or any metadata related to the recording unless otherwise expressly authorized by the chief or the chief's designee.

C. As required by Minn. Stat. § 13.825, subd. 9, as may be amended from time to time, this Agency shall obtain an independent biennial audit of its BWC program.

Agency Use of Data

A. At least once a month, supervisors will randomly review samples of BWC camera footage taken by each officer assigned to their team to ensure compliance with this policy, and to identify any performance areas in which additional training or guidance is required.

B. In addition, supervisors and other assigned personnel may access BWC data for the purposes of reviewing or investigating a specific incident that has given rise to a complaint or concern about officer misconduct or performance.

C. Nothing in this policy limits or prohibits the use of BWC data as evidence of misconduct or as a basis for discipline.

D. Officers should contact their supervisors to discuss retaining and using BWC footage for training purposes. Officer objections to preserving or using certain footage for training will be considered on a case-by-case basis. Field training officers may utilize BWC data with trainees for the purpose of providing coaching and feedback on the trainees' performance.

Biennial Audit

The North Mankato Police Department BWC Administrator shall arrange for a biennial audit and report of the agency's BWC camera system and usage pursuant to §13.825 Subd. 9.

Compliance

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.