

Mobile Video Recorders

450.1 PURPOSE AND SCOPE

The Savage Police Department has equipped patrol vehicles and law enforcement operators with Mobile Video Recording (MVR) systems. The purpose of this policy is to provide department LEOs with guidelines for use, management, access, storage, retrieval and retention of audio-visual media recorded by MVR systems.

450.1.1 DEFINITIONS

Definitions related to this policy include:

- A. Activate - Any process that causes the MVR system to transmit or store video or audio in an active mode.
- B. Mobile Video Recorder (MVR) - Any system that captures audio-visual signals that is capable of installation in a vehicle or worn by a law enforcement operator and that includes at a minimum, a camera, a microphone and data storage.
- C. Law Enforcement Operator (LEO) - Primarily a licensed peace officer but on occasion may be a non-licensed representative such as a Community Service Officer who is trained, authorized and assigned to operate MVR equipment.
- D. MGDPA - The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.
- E. PODPA - The Peace Officers Discipline Procedures Act, Minnesota Statutes Section 626.89.
- F. Property and Evidence Technician - Personnel certified or trained in receiving and storing evidence and property, maintaining property inventory records with proper "chain of custody" notations and any and all actions associated with the property or evidence.
- G. MVR Administrator - A member of this department, who assigns, tracks and maintains MVR equipment, oversees needed repairs, or replacement equipment through the vendor, controls user rights and access, and acts as a liaison with vendor.
- H. Recorded Media - Audio-visual signals that are recorded or stored.

450.2 POLICY

The Savage Police Department may equip LEOs with access to Mobile Video Recorders for use during their official duties. Use of recorders is intended to enhance the department's mission by accurately documenting contacts between LEOs of the department and the public.

450.3 MOBILE VIDEO RECORDER OBJECTIVES

The Savage Police Department has adopted the use of MVR's to accomplish the following

objectives:

- A. To enhance LEO safety
- B. To document statements and events during the course of an incident.
- C. To enhance the LEO's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation.
- D. To preserve audio and visual information for use in current and future investigations
- E. To provide a tool for self-critique and field evaluation during LEO training.
- F. To enhance the public trust by preserving factual representations of LEO-citizen interactions in the form of audio-video recordings.
- G. To assist with the defense of civil actions against law enforcement LEOs and the City of Savage.
- H. To assist with the training and evaluation of LEOs.

450.4 LEO PRIVACY EXPECTATION

All recordings made by LEOs on any department-issued device at any time or while acting in an official capacity of this department, regardless of ownership of the device, shall remain the property of the Department. LEOs shall have no expectation of privacy or ownership interest in the content of these recordings.

450.5 LEO RESPONSIBILITIES

Prior to going into service, each uniformed LEO will be responsible for making sure that he/ she is equipped with an MVR issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the LEO becomes aware of a malfunction at any time, the LEO shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed LEOs should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable (Minn. Stat. § 626.8473).

Any LEO assigned to a non-uniformed position may carry an approved MVR at any time the LEO believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed LEOs should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a MVR, the assigned LEO shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the MVR and related software captures the user's unique identification and the date and time of each recording.

LEOs should document the existence of a recording in any report or other official record of the contact, including any instance where the MVR malfunctioned or the LEO deactivated the recording (Minn. Stat. § 626.8473). LEOs should include the reason for deactivation.

450.6 ACTIVATION OF THE MVR

Vehicle mounted MVR's and body worn MVR's may be activated manually or automatically whenever the vehicle emergency lights are fully activated or when the vehicle's speed reaches 80 mph. Other automatic triggers to event recording may be activated at the discretion of Police Administration.

450.7 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every situation in which the MVR system may be used, although there are many situations where its use is appropriate. A LEO may activate the system any time the LEO believes its use would be appropriate and/or valuable to document the incident.

In some circumstances it may not be possible to capture images of the incident due to conditions or the location of the camera; however, the audio portion may still be used as valuable evidence.

At no time is a LEO expected to compromise LEO safety in order to activate an MVR; however, the MVR should be activated in the following situations as soon as practicable:

All field contacts involving actual or potential criminal conduct, including but not limited to:

- A. Traffic encounters (to include but not limited to; traffic violations, motorist assists and all vehicle interdiction stops)
- B. Emergency vehicle responses
- C. Vehicle pursuits
- D. Suspicious vehicles
- E. Arrests
- F. Vehicle searches
- G. Physical or verbal confrontations
- H. Use of force
- I. Prisoner or non-custody transports
- J. Subject stops of pedestrians or bicyclists
- K. DWI investigations including field sobriety tests
- L. Crimes in progress
- M. Mental health or persons in crisis related calls
- N. Taking a statement from a witness or suspect
- O. Whenever ordered to by a supervisor
- P. Any situation or incident that the LEO, through training and experience, believes should be audibly and/or visually recorded
- Q. Any self-initiated activity where a LEO would normally notify Scott County Dispatch
- R. Any call for service involving a crime where the MVR may aid in the apprehension and /or prosecution of a suspect
- S. Any other contact that becomes adversarial after the initial contact, in situations that would otherwise not require recording

LEOs are required to notify those being recorded by an MVR whenever asked by the subject being recorded.

LEOs should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the department LEO that such privacy may outweigh any legitimate law enforcement interest in recording.

450.8 CESSATION OF RECORDING

- A. Once activated, the MVR system should remain on continuously until the LEO's direct participation in the incident is complete or the situation no longer fits the activation.
- B. Recording may be temporarily ceased to exchange information with other LEOs. In such instances, LEOs may actively record video and mute the audio portion of the MVR.
- C. Recording may cease during non-enforcement activities such as waiting for a tow truck or a family member to arrive, or in other similar situations.
- D. Cessation of recording may also occur at the direction of a supervisor.

450.9 WHEN ACTIVATION IS NOT REQUIRED

- A. During encounters with undercover LEOs or informants
- B. When a LEO is on break or is otherwise engaged in personal activities
- C. In any locations where a reasonable expectation of privacy exists, such as a restroom, locker room or break room
- D. When not in service or actively on patrol

450.10 SUPERVISOR RESPONSIBILITIES

Supervisors shall require LEOs under their supervision to use the MVR's pursuant to policy. Supervisors should determine repair action for non-functioning MVR's.

When an incident arises that requires the immediate retrieval of recorded media (e.g., serious crime scenes, peace LEO-involved shootings, department-involved collisions), a supervisor shall ensure that the MVR footage is properly uploaded.

When conducting use of force reviews, supervisors shall view any available MVR recording as part of their review.

Supervisors are authorized to stream live audio and video feeds to ensure LEO safety and equipment serviceability, or at the request of the LEO. LEOs will be advised of the streaming operation verbally by the supervisor and visually on the MCD screen by a blue streaming indicator light. Supervisors should wait for a verbal response from the LEO prior to implementation unless it is an emergency.

At reasonable intervals, supervisors should validate that:

- A. Beginning and end of shift recording procedures are being followed.
- B. The operation of MVR systems by new employees is assessed and reviewed no less than monthly.

450.11 MVR ADMINISTRATOR RESPONSIBILITIES

The Chief of Police or the authorized designee should designate an MVR Administrator responsible for (Minn. Stat. § 626.8473; Minn. Stat. § 13.825):

- A. Establishing procedures for the security, storage and maintenance of data and recordings.
 - 1. The administrator should work with the Custodian of Records and the LEO assigned to coordinate the use, access and release of protected information to ensure that procedures comply with requirements of the Minnesota Government Data Practices Act (MGDPA) and other applicable laws (Minn. Stat. § 13.01 et seq.) (See the Protected Information and the Records Maintenance and Release policies).
- B. Establishing procedures for accessing data and recordings.
 - 1. These procedures should include the process to obtain written authorization for access to non-public data by SPD LEOs and LEOs of other governmental entities and agencies.
- C. Establishing procedures for logging or auditing access.
- D. Establishing procedures for transferring, downloading, tagging or marking events.
- E. Establishing an inventory of MVRs including:
 - 1. Total number of devices owned or maintained by the Savage Police Department.
 - 2. Daily record of the total number deployed and used by LEOs and, if applicable, the precinct or district in which the devices were used.
 - 3. Total amount of recorded audio and video data collected by the devices and maintained by the Savage Police Department.
- F. Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
- G. Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Savage Police Department that expands the type or scope of surveillance capabilities of the department's MVRs.

450.12 CLASSIFICATION OF MVR DATA

Nothing in this policy shall be interpreted as changing the underlying classification of data collected by MVR systems. The classification of data collected by MVR systems will need to be determined on a case-by-case basis upon application and interpretation of the MGDPA.

It is the responsibility of the individual department LEO to accurately classify/tag their MVR data.

450.13 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 90 days.

If an individual captured in a recording submits a written request, the recording may be retained for additional time period. The administrator should be responsible for notifying the individual prior to destruction of the recording (Minn. Stat. § 13.825).

450.13.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the MGDPA and the Records Maintenance and Release Policy.

450.14 RETENTION SCHEDULE FOR MVR DATA

Administration	(6 years)
AOA / Routine Call	(3 months)
Code Driving / Field Contact / Warning	(3 months)
Arrest / Citation / Arrest Transport	(2 years)
Death / Death Statement / CSC Statement / Arson Statement	Permanent
Sergeant	(6 years)
Statement - All Others	(2 years)
Transport (NO Arrest)	(3 months)
Test / Accidental	(3 months)
Use of Force	(6 years)
Videos Not Classified	(3 months)

450.15 ACCESS TO RECORDED MEDIA FILES

Except as provided by Minn.Stat.13.825, Subd. 2, audio/video recordings are considered private or nonpublic data.

Any person captured in a recording may have access to the recording. If the individual requests a copy of the recording and does not have the consent of other non-law enforcement individuals captured on the recording, the identity of those individuals must be blurred or obscured sufficiently to render the subject unidentifiable prior to release. The identity of on-duty peace LEOs may not be obscured unless their identity is protected under Minn. Stat. 13.82, Subd. 17.

When preparing written reports, LEOs should review their recordings as a resource (See the LEO-Involved Shootings and Deaths Policy for guidance in those cases). However, LEOs shall not retain personal copies of recordings. LEOs should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the LEO's performance.

Recorded files may also be reviewed:

- A. Upon approval by a supervisor, by any LEO of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- B. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- C. In compliance with the Minnesota Data Practices Act request, if permitted or required by the Act, including pursuant to Minn. Stat. § 13.82, Subd. 15, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (See the Records Maintenance and Release Policy). Recordings that are clearly offensive to common sensibilities should not be publicly released unless disclosure is required by law or order of the court (Minn. Stat. § 13.82, Subd. 7; Minn. Stat. § 13.825, Subd. 2).

450.16 COPIES OF RECORDING MEDIA

Evidentiary copies of digital recordings will be accessed and forwarded from the MVR System for official law enforcement purposes only. Access rights may be given to the Scott County Attorney or other prosecutorial agencies associated with any future prosecution arising from an incident in which the MVR was utilized.

LEOs shall ensure relevant recordings are preserved by first properly classifying case files and including the applicable case file number for a particular incident. Administrators are responsible for preservation of digital audio/video evidence on the back end of the system.

450.17 SYSTEM OPERATIONAL STANDARDS

- A. Activation of the MVR system should be based on LEO safety requirements and device manufacturer recommendations.
- B. MVR systems should be configured to minimally record video for 30 seconds prior to activation.
- C. The MVR system may not be configured to record audio data prior to activation.
- D. For each digital recording, LEOs shall select the proper classification. LEOs shall enter the 8-digit case file number and descriptive title when necessary, for all audio/video identified as evidence.
- E. Digital recordings shall be retained according to the department's retention schedule or as required by the rules of evidence, unless a specific request is made to store them for a longer period of time by an authorized person.
- F. LEOs shall not attempt to delete, alter, reuse, modify or tamper with MVR systems or recordings.

450.18 USE AND REVIEW OF MVR RECORDINGS

Minnesota law permits an individual to record any conversation in which one party to the conversation has given his/her permission (Minn. Stat. 626A.02).

LEOs of this department may record any conversation during the course of a criminal investigation in which the LEO reasonably believes that such a recording will be lawful and beneficial to the investigation.

LEOs of this department shall not record another LEO of the department without a court order unless lawfully authorized by the Chief of Police, or authorized designee, for the purposes of conducting a criminal investigation.

All records are the property of the agency and subject to the provisions of the MGDPA. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required under the MGDPA, Peace LEO Discipline Procedure Act (Minn. Stat. 626.89), or other applicable law. LEOs of the Department shall have no expectation of privacy or ownership interest in the content of these recordings.

To prevent damage to, or alteration of the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department. When reasonably possible a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media. Recorded files may also be reviewed:

- A. To review for court preparation

- B. When preparing written reports or statements
- C. In instances of LEO-involved shootings or deaths related to actions of a LEO (see the LEO Involved Shooting and Deaths Policy for guidelines in those incidents)
- D. By a supervisor investigating a specific act of LEO conduct
- E. By a supervisor to assess LEO performance
- F. By department investigators assigned to a related criminal investigation, or after approval by a supervisor, for official investigations
- G. By a LEO who is captured on or referenced to in the audio or video data and reviews and uses the data for any purpose relating to any legitimate law enforcement purpose
- H. To assess proper functioning of MVR systems
- I. By department personnel who are participating in an official investigation such as a personnel complaint, administrative inquiry, or a criminal or civil litigation
- J. To determine applicable City Ordinance violations for subsequent actions
- K. By court or prosecutorial personnel through proper process or with permission of the Chief of Police or Operations Bureau Captain
- L. By the public or members of the media through the proper MGDPA request (Minn. Stat. 13.01 et seq.)
- M. To assess possible training value

The department shall restrict by password protection access to all audio and video data and shall maintain an electronic record of the date, time and person with regard to each access to data.

LEOs will be notified if their recordings may be shown for staff training purposes. If an involved LEO objects to showing a recording, his/her objection will be submitted to the Operations Bureau Captain to determine if the training value outweighs the LEO's objection.

In no event shall any recording be used or shown for the purpose of ridiculing, embarrassing or intimidating any employee; this includes submission of any portion of a video recording to a media organization.

Employees desiring to view any previously uploaded or archived MVR recording should submit a request in writing to the Operations Bureau Captain.

450.19 PROHIBITED USE OF MVR SYSTEMS

LEOs are prohibited from using department-issued MVR's and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

LEOs are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. LEOs shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

LEOs are prohibited from using personally owned recording devices while on-duty without the express consent of the Patrol Sergeant. Any LEO who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and

release requirements and should notify the on-duty supervisor of such use as soon as reasonably practicable.

MVR's will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities. Recordings shall not be used by any LEO for the purpose of embarrassment, harassment or ridicule.

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).

450.20 ACCOUNTABILITY

Any LEO who accesses or releases recordings without authorization may be subject to discipline (See the Savage PD Policy Manual – Policy 340 and the MGDPA) (Minn. Stat. § 626.8473).

450.21 SCHOOL RESOURCE LEOS

The Savage Police Department recognizes that the duties and working environment for School Resource LEOs (SRO) are unique within law enforcement. It is recognized that SRO's are required to maintain school safety while respecting the learning environment that the school provides. SRO's are expected to continuously build trusting relationships with students and staff. They also often have impromptu interventions with students to deescalate arguments and/or conflicts. It is with this understanding that the Savage Police Department provides special regulations to SRO's and their use of Mobile Video Recorders (MVR).

The recorder should be activated in any of the following situations:

- A. When summoned by any individual to respond to an incident where it is likely that law enforcement action will occur when you arrive.
- B. Any self-initiated activity where it is previously known that you will make a custodial arrest.
- C. Any self-initiated activity where it is previously known that your questioning/investigation will be used later in criminal charges.
- D. When feasible an SRO shall activate the MVR when the contact becomes adversarial or the subject exhibits unusual behaviors.
- E. While transporting a student to or from school.

Nothing in this policy is intended to interfere with an SRO taking law enforcement action in circumstances where the SRO believes such action is necessary and has no opportunity to activate the MVR. It is also recognized that SRO's often have private (confidential) conversations with juveniles.

450.22 TRAINING

Users of MVR systems shall successfully complete an approved course of instruction prior to the MVR system being deployed. Training documentation shall be retained in the agency training database.