

Long Prairie Police Department Policy

Title: Portable Recording Systems (Body Cameras)

Policy:

The Long Prairie Police Department may provide the Long Prairie Police Department peace officers with portable recording systems for use during the performance of their duties. The use of portable recording systems is intended to enhance the mission of the Department by accurately capturing contacts between Department peace officers and the public. It is the policy to authorize and require the use of department-issued portable recording systems as set forth below, and to administer portable recording systems data as provided by law.

Purpose:

The primary purpose of using Long Prairie Police Department-issued portable recording system, worn by Long Prairie Police Department peace officers, is to capture evidence arising from police-citizen encounters. This policy sets forth guidelines governing the use of portable recording system and administering the data that results. Compliance with these guidelines is mandatory, but it is recognized that Long Prairie Police Department peace officers must also attend to other primary duties and the safety of all concerned and are often forced to make split-second judgements, sometimes in circumstances that are tense, uncertain, and rapidly evolving. As indicated, this policy governs the use of portable recording systems in the course of official duties.

Scope:

This policy governs the use of portable recording systems by department peace officers while in the performance of their duties consistent with (Minn. Stat 626.8473).

This policy does not apply to mobile audio recordings made by devices not worn by Long Prairie Police Department peace officers such as in-squad cameras. The Chief of Police or a Chief of Police designee may supersede this policy by providing specific instructions for portable recording system's use to individual Long Prairie Police Department peace officers or providing specific instructions pertaining to particular events or classes of events, including but not limited to political rallies and demonstrations. The Chief of Police or designee may also provide specific instructions or standard operating procedures for portable recording system's use to Long Prairie Police Department peace officers assigned to specialized details, such as guarding prisoners or patients in hospital or mental health facilities.

Definitions:

The following phrases have special meanings as used in this policy:

- 1) **Portable recording system** means a device issued by the Long Prairie Police Department peace officer that is capable of both video and audio recording of the Long Prairie Police peace officer's activities and interactions with others or collecting digital multimedia evidence as part of an investigation and as provided in Minn. Stat. 13.825
- 2) **MGDPA or Data Practices Act** means the Minnesota Government Data Practices Act, Minn. Stat. 13.01, et seq.
- 3) **Records Retention Schedule** means the General Records Retention Schedule for Minnesota Cities.
- 4) **Law Enforcement related information** means information captured or available for capture by use of a portable recording system that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.
- 5) **Evidentiary value** means 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 the Long Prairie Police Department or officer.
- 6) **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. Examples include, but are not limited to, assisting a motorist with directions, summoning a wrecker, or receiving generalized concerns from a citizen about crime trends in his or her neighborhood.
- 7) **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.
- 8) **Unintentionally recorded footage** means a video recording that results from a Long Prairie Police Department officer's inadvertence or neglect in operating the officer's portable recording system, provided that no portion of the resulting recording has evidentiary value. Examples of unintentionally recorded footage include, but are not limited to, test recordings, restrooms, and recordings made while Long Prairie Police Department officers were engaged in conversation of non-business or personal nature with expectation that the conversation was not being recorded.
- 9) **Official duties** mean authorized law enforcement services performed by a Long Prairie Police Department officer on behalf of the Long Prairie Police Department while the peace officer is on duty for the Long Prairie Police Department

Long Prairie Police Department Peace Officer-No Privacy Expectations:

All recordings made by Long Prairie Police Department peace officers on any portable recording system at any time or while acting in an official capacity shall remain the property of the Department. Long Prairie Police Department and Long Prairie Police Department peace officers shall have no expectation of privacy or ownership interest in the content of these recordings.

Use and Documentation:

1. Long Prairie Police Department peace officers may use only department-issued portable recording systems in the performance of official duties for the Long Prairie Police Department or when otherwise performing authorized law enforcement services as an employee of Long Prairie.
2. Long Prairie Police Department peace officers who have been issued portable recording systems shall operate and use them consistent with this policy. Long Prairie Police Department peace officers shall conduct a function test of their issued portable recording system at the beginning of each shift to make sure the devices are operating properly. Long Prairie Police Department peace officers noting a malfunction during testing or at any other time shall promptly report the malfunction to the Chief of Police or designee. The Chief of Police or designee shall take prompt action to address the malfunctions.
3. Long Prairie Police Department peace officers should wear the portable recording system in the manner specified in training and in a conspicuous manner or otherwise notify persons that they are being recorded, whenever possible
4. Long Prairie Police Department peace officers must document portable recording system use and non-use as follows
 - a. Whenever an officer makes a recording, the existence of the recording shall be documented in an incident report.
 - b. Whenever an officer fails to record an activity that is required to be recorded under this policy or captures only a part of the activity, the officer must document the circumstances and reason for not recording in an incident report. The Chief of Police shall review these reports and initiate any corrective action deemed necessary.
5. The department will maintain the following records and documents relating to BWC use, which are classified as public data:
 - a. The total number of BWCs owned or maintained by the agency;
 - b. A daily record of the total number of BWCs actually deployed and used by officers and, if applicable, the precincts in which they were used;
 - c. The total amount of recorded BWC data collected and maintained; and
 - d. This policy, together with the Records Retention Schedule.

Recording:

This policy is not intended to describe every possible situation in which the recording system should be used, although there are many situations where its use is appropriate. Long Prairie Police Department peace officers should activate the recording system any time the member believes it would be appropriate or valuable to record an incident.

The portable recording system should be activated when a Long Prairie Police Department peace officer anticipates that they will be involved in, become involved in, or witness other Long Prairie Police Department peace officers in any of the following situations:

- a. All enforcement and investigative contacts including stops and field interview (FI) situations.
- b. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.
- c. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- d. Arrest
- e. Use of Force
- f. The transportation and the physical transfer of persons in their custody to hospitals, detox and mental health care facilities, juvenile detention centers and jail.
- g. Other activities likely to yield information having evidentiary value. However, Long Prairie Police Department peace officers need no activate the recording system when it would be unsafe, impossible, or impractical to do so, but such instances of not recording when otherwise required must be documented as specified in the Use and Documentation guidelines as outlined in the policy

Long Prairie Police Department peace officers have no affirmative duty to inform people that a portable recording system is being operated or that the individuals are being recorded.

Long Prairie Police Department peace officers have discretion to record or not record general citizen contacts which are not otherwise mandatory as specified above. In exercising this discretion, Long Prairie Police Department peace officers should give substantial consideration to requests by citizens to stop recording.

Long Prairie Police Department peace officers need not record person being provided medical care unless there is reason to believe the recording would document information having

evidentiary value. When responding to a apparent mental health crisis or event, the portable recording system shall be activated as necessary to document any use of force and the basis for it, and any other information having evidentiary value, but need not be active when doing so would serve only to record symptoms or behaviors believed to be attributable to the mental health issue.

Long Prairie Police Department peace officers shall not intentionally block the portable recording system's audio or visual recording functionality to defeat the purposes of this policy.

Cessation of Recording:

Once activated, the portable recording system should remain on continuously until the Long Prairie Police Department peace officer reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for mandatory recording. 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 portable recording system. If circumstances change, officers shall reactivate their cameras as required by this policy to capture information having evidentiary value.

- a. **EXPLOSIVE DEVICE:** Many portable recording systems, including body-worn portable recording systems and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

Prohibited Use of Recording Systems:

Long Prairie Police Department peace officers are prohibited from using department-issued portable recording systems for personal use and are prohibited from making personal copies or recordings created while on-duty or while acting in their official capacity.

Long Prairie Police Department peace officers shall not duplicate or distribute such recordings, except for authorized legitimate department business purpose. All recordings shall be retained at the Long Prairie Police Department.

Recordings shall not be used by any Long Prairie Police Department peace officers for the purpose of embarrassment, harassment, or ridicule.

The portable recording systems should not be activated in:

- a. Any court of law, unless authorized by a judge or the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use of force incident.
- b. Hospitals, detox and mental health care facilities, juvenile detention centers, and jails unless the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter of use of force incident.

Downloading and Labeling Data:

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Each officer using a portable recording system is responsible for transferring or assuring the proper transfer of the data from his or her portable recording system to the storage server used by the department by 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, the Chief of Police shall take custody of the officer's portable recording system and assume responsibility for transferring the data from it.

Data Retention of Recordings:

Any time a Long Prairie Police Department peace officer records any portion of a contact the Long Prairie Police Department peace officer reasonably believes constitutes evidence in a criminal case, the Long Prairie Police Department peace officer shall record the related case number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related incident report.

Any time a time a Long Prairie Police Department peace officer reasonably believes a recorded contact may be beneficial in a non-criminal matter, the Long Prairie Police Department peace officer should promptly notify the Chief of Police of the existence of the recording.

Data Retention Requirements:

Portable Recording Systems may be considered criminal investigative data subject to public disclosure (Minn. Stat. 13.82 Sub 7). All recordings shall be retained for a period consistent with the requirements of the Long Prairie Police Department records retention schedule but in no event for a period less than 180 days.

Recordings that document 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 and recordings documenting circumstances that have given rise to a formal complaint against an officer must be maintained for six years.

Data Security Safeguards:

Long Prairie Police Department officers shall not intentionally edit, alter, or erase any portable recording system recordings unless otherwise expressly authorized by the Chief of Police.

As required by Minn. Stat. 13.825 Sub 9, as may be amended from time to time, the Long Prairie Police Department shall obtain an independent biennial audit of its portable recording system program.

Review of Recordings:

When preparing written reports, Long Prairie Police Department peace officers should review their recordings as a resource. However, Long Prairie Police Department peace officers shall not

retain personal copies of recordings. Long Prairie Police Department peace officers should not use the fact that a recording was made as a reason to write a less detailed report.

The Chief of Police or designee 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 Long Prairie Police Department peace officer's performance.

Recorded files may also be reviewed:

- a. Upon approval by the Chief of Police, by any member of the Long Prairie Police 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. By media personnel with permission of the Chief of Police or the authorized designee.
- d. In compliance with the Minnesota Data Practice Act request, if permitted or requested by the Act.

All recordings should be reviewed by the Chief of Police prior to public release. Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

Long Prairie Police Department Use of Data:

The Chief of Police or designee shall ensure Long Prairie Police Department peace officers are using their portable recording system equipment per policy.

At least once a month, the Chief of Police or designee will randomly review portable recording system recordings made by each officer to ensure the equipment is operating properly and Long Prairie Police Department peace officers are using the devices appropriately in accordance with policy, and to identify any performance areas in which additional training or guidance is required.

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

Nothing in this policy limits or prohibits the use of portable recording system data as evidence of misconduct or as a basis for discipline.

Long Prairie Police Department peace officers should contact the Chief of Police or designee to discuss retaining and using portable recording system 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 Long Prairie Police Department peace officers may utilize portable recording system data with trainees for the purpose of providing coaching and feedback on the trainee's performance.

Compliance:

The unauthorized access to or disclosure of portable recording system data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. 13.09.

The Chief of Police shall monitor for compliance with this policy.

The department will post this policy, together with its Records Retention Schedule, on its website.