

## Mobile Video Recorders

### 600 Purpose

This policy is intended to provide officers with instruction on when and how to use in-car mobile video recorders (MVRs) and body worn cameras (BWCs) so that they may reliably record their contacts with the public in accordance with the law.

### 600.1 Policy

It is the policy of the Hutchinson Police Department that officers shall activate the BWC/MVR when such use is appropriate in the proper performance of his or her official duties, where the recordings are consistent with this policy and the law. This policy does not govern the use or surreptitious recording devices used in investigative or undercover operation.

#### 600.1.1 DEFINITIONS

(a) **Activate** - Any process that causes the BWC/MVR system to transmit or store audio-visual signals.

(b) **Evidence.com** - The online web-based digital media storage facility. The virtual warehouse stores digitally-encrypted data (photographs, audio and video recordings) in a highly secure environment. The digital recordings are accessible to authorized personnel based upon a security clearance and maintains an audit trail of user activity.

(c) **MGDPA** - The Minnesota Government Data Practices Act, Minn. Stat. Chapter 13.

(d) **Mobile Video Recorder (MVR)** - This refers to any system that captures audio and video signals that is capable of installation in a vehicle.

(e) **Body-Worn Cameras (BWC)** - This refers to any system that captures audio and video signals that is individually worn by officers.

(f) **BWC/MVR Administrator** - Designated personnel certified or trained in the operational use of BWC/MVRs, storage and retrieval methods and procedures who assigns, tracks and maintains BWC/MVR equipment, oversees needed repairs or replacement equipment through the vendor, controls user rights and access, and acts as a liaison with the vendor. Also responsible for the training of law enforcement operators on the use of the BWC/MVR.

(g) **Recorded Media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

#### 600.2 POLICY

The Hutchinson Police Department may equip officers with access to Body-worn Cameras for use during the performance of their duties. Use of recorders is intended to enhance the Department's mission by accurately documenting contacts between officers of the Department and the public.

### **600.2.1 BODY-WORN CAMERA OBJECTIVES**

The Hutchinson Police Department has adopted the use of BWCs and MVRs to accomplish the following objectives:

- (a) To enhance officer safety.
- (b) To document statements and events during the course of 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 provide a tool for self-critique and field evaluation during officer training.
- (f) To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of audio-video recordings.
- (g) To assist with the defense of civil actions against Hutchinson Police Officers and the City of Hutchinson.
- (h) To assist with the training and evaluation of officers.

### **600.3 OFFICER RESPONSIBILITIES**

Officers who are issued a BWC, as part of their uniform, shall wear and activate the BWC consistent with this policy. Prior to going into service each officer will properly equip him/herself to record audio and video in the field. The exception is if the officer's BWC system is not functioning and a Supervisor and BWC/MVR administrator have been notified.

At the start of each shift, officers will confirm the BWC and MVR systems are operational in accordance with manufacturer specifications and department operating procedures and training.

During their shift, officers will follow the established policies and procedures for documenting, categorizing and retaining any recorded media.

Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the officer should promptly notify a supervisor of the existence of the recording.

Malfunctions, damage, loss or theft of BWC/MVR equipment shall immediately be documented with the Communication Center and report it to a Supervisor, and BWC/MVR administrator.

BWC shall not be worn while officers are engaged in outside agency employment, unless previously authorized by the Chief of Police.

### **600.4 SUPERVISOR RESPONSIBILITIES**

Supervisors shall ensure officers are using their BWC/MVR equipment per policy.

Supervisors shall on a quarterly basis, randomly review BWC recordings of their officers 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 areas in which additional training or guidance is required.

Supervisors should determine corrective action for non-functioning BWC/MVR equipment. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the BWC/MVR is properly uploaded.

## **600.5 ACTIVATION OF THE BWC/MVR**

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).

The BWC/MVR system will be used to document events and the media recordings are to be preserved in a web based digital storage facility. If no recording is made, the officer shall document and explain why their BWC/MVR was not activated.

### **600.5.1 REQUIRED ACTIVATION OF THE BWC/MVR**

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

All self-initiated activity in which an officer would normally notify the Hutchinson Police Communication Center.

At no time is an officer expected to jeopardize his/her safety in order to activate the BWC/MVR.

#### **I. When and How to Use the BWC/MVR**

1. Each Hutchinson Police Department marked patrol squad is equipped with an MVR system.
2. Prior to the beginning of each patrol shift, officers shall sign into the BWC/MVR system and ensure that it is in proper working order. If it is not, the officer shall notify a supervisor and BWC/MVR Administrator including the squad number and a description of the problem.
3. Each officer has been issued a body microphone for the MVR in their assigned squad. With the issuance of BWCs to each patrol officer, use of the MVR body mic will no longer be required. However, if the officer's BWC is out of service for any reason, officers will be required to switch back to using their assigned body mic.
4. The MVRs are programmed to automatically activate when the squad's emergency lights are activated. They are also outfitted with a crash sensor which activates the MVR when the squad is involved in a crash significant enough to trip the sensor.
5. The MVR front camera shall be activated for all emergency driving situations and traffic stops. The MVR back seat camera shall be activated any time someone is placed in the back seat. While not required, activation of the MVR is encouraged for all other calls for service.

#### **II. When and How to Use the BWC**

1. For each officer issued a BWC system, it is the individual officer's responsibility to ensure that the equipment is in proper working order. If it is not, notify the Supervisor and BCW/MVR Administrator immediately.

2. Officers shall activate the BWC to record all contacts with citizens and prior to arriving at all in-person calls for service. The department recognizes that due to the spontaneous nature of some police-public encounters, it may be impractical, unreasonable, or unsafe to immediately activate the BWC. In those cases, officers shall activate their BWC at the first reasonable opportunity. Once activated, the BWC shall remain activated for the duration of the event.
3. If an officer fails to activate the BWC, or fails to record the entire contact, or interrupts the recording, the officer shall notify Communications so to be included in the CAD notes and/or narrative report, and his or her supervisor in writing with an explanation.
4. The BWC and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Hutchinson Police Department.
5. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his or her designee.
6. Officers are encouraged to inform their supervisor of any recordings which may be of value for training purposes.
7. Requests for deletion of portions of the recordings (e.g., inadvertent personal recordings) must be submitted in writing and approved by the Chief of Police or his or her designee in accordance with state record retention laws. All requests and final decisions will be kept on file.
8. Officers shall note in ICR/CAD report when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

#### **600.5.2 CESSATION OF RECORDING**

Once activated the BWC/MVR system shall remain on continuously until the officer's direct participation in the incident is complete or the situation no longer fits the criteria for activation.

Recording may be temporarily ceased to exchange information with other officers. The reason to cease and resume recording will be noted by the officer either verbally on the BWC/MVR or in a written report.

Formal statements recorded on the BWC/MVR shall be recorded as separate recordings. Recordings shall be categorized, titled and ID'd in accordance with established policies and procedures.

### **600.5.3 WHEN ACTIVATION IS NOT REQUIRED**

Activation of the BWC/MVR system is not required:

- (a) During encounters with undercover officers or informants.
- (b) When an officer is on break or is otherwise engaged in personal activities.
- (c) In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room or break room.
- (d) When not in service or actively on patrol.
- (f) Officers will try to avoid recording videos of persons who are nude or when sensitive human areas are exposed.

### **600.6 PROHIBITED USE OF RECORDERS**

- a) Intentional interference with the BWC/MVR system is strictly prohibited.
- b) Members shall not intentionally record another department member without a court order unless lawfully authorized by the Chief of Police, or authorized designee, for the purpose of conducting a criminal investigation.
- c) Officers are prohibited from using department-issued BWC/MVR equipment for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.
- d) 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).

### **600.7 REVIEW OF RECORDINGS**

- a) All recordings are the property of the Hutchinson Police Department 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 Officer Discipline Procedures Act (Minn. Stat. § 626.89), or other applicable law.
- b) Supervisors are authorized to review recordings whenever such recordings would be beneficial in reviewing the officer's performance or actions.
- c) Officers are authorized to access not public (confidential or private) BWC Data for legitimate law enforcement purpose, including but not limited to report writing. Nothing in the policy restricts an officer from reviewing BWC Data created by the BWC issued to and operated by the officer, excepting authorized administrative lockdown.
- d) Officers involved in a Critical Incident may view or listen the BWC Data of the incident only after:
  - 1. The officer has met with the Minnesota Public Employee Association representative or legal counsel, if requested and
  - 2. The officer and legal counsel have met with the investigative entity or designee regarding the investigative process to ensure the integrity of the investigative entity's Critical Incident investigation: including but not limited to investigations / incidents where serious injury or death results during police custody or involvement.
- e) An investigator assigned to a related criminal investigation may review BWC Data relevant to their investigation.

- f) Nothing in this policy limits or prohibits the use of BWC Data by the department to evaluate alleged misconduct or as a basis for discipline.
- g) Officers may not copy or record BWC Data with smart phones, video cameras, or any other means.
- h) Supervisors may not access or review BWC Data for the purpose of surveillance of any employee. However, BWC Data may be accessed by a supervisor investigating a complaint of misconduct. A complaint of misconduct may include any allegation of improper procedure or misconduct, from an informal allegation or question to a formalized internal affairs complaint.
- i) Officers needing to access BWC Data from another officer's BWC must make a request to their supervisor to access data from another officer's BWC. Requests may be granted only for a legitimate purpose relating to employment, such as the need to complete a report.
- j) Response to Resistance or Aggression Review: BWC Data may be accessed as part of the department's review of officer response to resistance or aggression. Only supervisors and department personnel who have the responsibility to review a response to resistance or aggression may access BWC Data pertaining to the incident.
- k) Pursuit Review: BWC Data showing a vehicle pursuit may be accessed by supervisors and department personnel who have the responsibility to review the incident. BWC Data showing an accident may be disclosed to the Accident Review Supervisor.
- l) Showing BWC Data to Witnesses: Officers may display portions of BWC Data to witnesses as necessary and only for purposes of investigation as allowed by Minnesota Statutes section 13.82, subdivision 15, which states this is allowable to "aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest."
- m) The Police Chief or designee may display portions of BWC Data to witnesses as necessary for purposes of investigation, to "aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest" as allowed by Minnesota Statutes section 13.82, subdivision 15,

Recorded files may also be reviewed:

- (a) To assess proper functioning of BWC/MVR systems.
- (b) By court and prosecutorial personnel through proper process or with permission of the Chief of Police or Police Lieutenant.
- (c) To assess possible training value.
- (d) Officers will be notified if their recordings may be shown for staff or public safety training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Police Chief to determine if the training value outweighs the officer's objection.
- (e) Citizens will not typically be allowed to review the recordings; however, a Supervisor may authorize the video recording to be viewed by the citizens at the scene in order to mitigate possible complaints or as part of an investigation.

Members shall document in the Post Note field of Evidence.com the purpose for accessing any recorded file. This documentation is to clarify the reason for viewing the recording when developing the audit trail.

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.

#### **600.8 DOCUMENTING BWC/MVR USE**

If any incident or video statements are recorded with the BWC/MVR system, the existence of that recording shall be documented in the officer's report.

#### **600.9 RECORDING MEDIA STORAGE AND INTEGRITY**

At the end of their shift, officers shall place the BWC/MVR into the docking station. This will allow the data to be transferred from the BWC/MVR through the docking station to Evidence.com. The data is considered impounded at this point and the BWC/MVR is cleared of existing data. The BWC/MVR should not be removed from the docking station until the data has been uploaded and the battery has been fully recharged.

##### **600.9.1 COPIES OF RECORDING MEDIA**

Evidentiary copies of digital recordings will be accessed and copied from Evidence.com for official law enforcement purposes only. Access rights may be given to the McLeod County Attorney, the Hutchinson City Attorney, or other prosecutorial agencies associated with any future prosecution arising from an incident in which the BWC/MVR was utilized.

Officers shall ensure relevant recordings are preserved. Officers or BWC/MVR administrators may prevent automatic deletion by changing the category of the media at any time prior to deletion.

#### **600.10 SYSTEM OPERATIONAL STANDARDS**

- a) BWC/MVR system use should be based on officer safety requirements and device manufacturer recommendations.
- b) The BWC/MVR system should be configured to minimally record for 30 seconds prior to activation.
- c) For each digital recording, officers shall select the proper category: no action taken, report, traffic stop, accidental recording, officer injury, training, critical incident, administrative (supervisor only), permanent retention (admin use only).
- d) For each digital recording (except for accidental recording), officers shall enter an ID number as the 8-digit ICR number (e.g. 17001234)
- e) For each digital recording (except for accidental recording), officers shall enter a descriptive title as titled in CAD/RMS.
- f) 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.
- g) Officers shall not attempt to delete, alter, reuse, modify or tamper with BWC/MVR recordings.

#### **600.11 BWC/MVR ADMINISTRATOR RESPONSIBILITIES**

The BWC/MVR administrator is responsible for deleting media:

- (a) Pursuant to a court order.
- (b) In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (c) In instances where privacy issues are noted.
- (d) Ordering, issuing, retrieving and storing all BWC/MVR equipment.

- (e) Logs reflecting BWC/MVR equipment assignments, serial number, the date it was issued, and the officer to which it was issued.

#### **600.12 CLASSIFICATION OF BWC/MVR DATA**

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

#### **600.13 SANCTIONS FOR MISUSE OF RECORDED MEDIA**

Any member misusing recorded media for any reason other than official law enforcement purposes will be subject to disciplinary action.

The Chief of Police, or designee, shall meet with the person who is alleged to have violated the policy and determine appropriate sanctions, which may include any or all of the standard discipline policies currently in place at the Hutchinson Police Department including verbal reprimand, written reprimand, suspension or termination. Intentional misuse of recorded media is a serious violation. If criminal behavior is believed to have occurred, appropriate agencies will be notified for further investigation.

The specific situation in each case of misuse of recorded media will be looked at with all circumstances considered when determining disciplinary actions. Consideration will be given to the extent of the loss or injury to the system, agency, or other person upon release or disclosure of sensitive or classified information to an unauthorized individual.

#### **600.14 TRAINING**

Users of the BWC/MVR systems and supervisors shall successfully complete an approved course of instruction prior to being deployed. This training shall be documented by the designated trainer.