

MPD BODY CAMERA SOP
November 5, 2014

Purpose

The content of this SOP will provide MPD personnel with guidelines and procedures for the use, management, access, retention, handling of evidence, storage, and retrieval of recorded media captured by Portable Video Recording (PVR) equipment during the PVR trial period. The purpose of utilizing PVR equipment by Minneapolis Police Department officers during the trial period is to accomplish the following:

- Capture digital audio-video evidence for criminal, civil, and traffic-related court cases.
- Assist officers with recalling facts or other details captured by the equipment that will help them accurately articulate a chain of events when writing reports.
- Be used as a training tool for officer safety and best practices in the MPD.
- Assist in the assessment of contacts between officers and the public by reviewing procedures and interpersonal actions.
- Assist in the assessment of different manufactures of PVR equipment/systems
- Develop a future SOP
- Develop a policy and procedure

The PVR equipment is not to be used for the purpose of surveillance of officers, initiating an investigation or initiating disciplinary action against an officer. However, data captured by the PVR may be accessed and/or used as evidence: relating to a complaint of misconduct made against an officer; or in situations where evidence of officer misconduct is discovered during the course of authorized access or review of PVR data with regard to pending administrative, criminal, civil, or traffic matters.

For the PVR trial phase, Minneapolis Police Department employees will be responsible for performing assigned duties in accordance with the Portable Video Recording SOP. All officers who are issued a PVR must have a basic knowledge and understanding of the operation of the PVR. Officers must receive training in the use of the PVR by an authorized MPD employee and only those officers that have received the department authorized training may operate a PVR. All MPD employees who have access to the PVR systems shall receive training on these systems.

The term "officer" is used generically in this document and does not assume a level of rank, such as Patrol Officer. It includes all applicable sworn and non-sworn personnel. .

OFFICER RESPONSIBILITIES

Officers assigned the PVR shall use it in accordance with MPD training, MPD SOP guidelines, and the manufacturer's recommendations.

Officers assigned a PVR shall complete department authorized training in the use and operation of the PVR's.

Officers should wear the PVR during their shift at all times during which they could reasonably anticipate that they may become involved in a situation for which activation is appropriate in accordance with the "Activation" section of this policy. However, officers should not wear the PVR in situations where any recordings are prohibited, such as court.

Officers shall conduct a PVR equipment check to ensure that the equipment is working properly at the beginning of their shift and periodically throughout the shift.

Officers shall notify their immediate supervisor as soon as practical of any missing, damaged, or malfunctioning PVR equipment.

Officers should notify their immediate supervisor of any recorded event believed to be of value for administrative review or training purposes.

Officers shall upload all PVR digital data at the conclusion of their shift by placing their PVR in the assigned docking stations. Officers shall classify recorded events as appropriate based on the options available under the classification/storage software. This classification should be done shortly after the recorded incident is concluded, but must be done prior to upload at the end of the officer's shift.

Officers who are equipped with a PVR and are operating a squad car that is equipped with Mobile Video Recording (MVR) equipment shall activate the MVR as required by policy, procedures/guidelines, and should activate the PVR as soon as practical and without comprising officer safety.

If asked, officers should inform those inquiring that audio-video recording equipment is in use.

RESTRICTIONS

Officers shall not use the PVR to record interactions solely with or among other department employees; except in circumstances for which activation is appropriate in accordance with the "Activation" section of this policy.

Officers shall not use the PVR for personal use or any other reason inconsistent with the "purposes" as set forth in this policy.

Officers shall not use a PVR for off-duty employment without prior approval of the Chief or her designee.

Officers shall not use a PVR for SWAT related operations.

Disabling PVR equipment and/or altering, duplicating, deleting or destroying PVR recordings is prohibited, except by authorized personnel.

SUPERVISOR RESPONSIBILITIES

Supervisors shall ensure that officers follow established procedures for the use and maintenance of PVR equipment and the completion of PVR documentation.

Ensure that appropriate measures are taken when informed of any missing, damaged, or malfunctioning PVR equipment.

Respond to the scene of an incident that requires immediate retrieval of recordings and ensure that the appropriate downloading procedures are followed.

When conducting force reviews, supervisors should view any pertinent PVR video as part of the review.

ACTIVATION

Officers should manually activate the PVR to Record Mode when reasonably safe and practical in the following situations:

- Traffic stops
- Suspicious vehicle stops
- Suspicious person stops
- Priority responses
- Vehicle pursuits
- Arrest situation
- Work-related transports
- Vehicle searches
- Physical confrontations
- Crimes in progress
- In any situation that the officer feels appropriate when taking a statement and/or gathering information from a victim, suspect or witness
- Any Significant Incident (see definitions)
- When advising an individual of their Miranda rights
- When ordered to do by a supervisor
- Any time an officer feels it is appropriate to preserve audio or visual evidence consistent with the purposes stated in this policy.

DEACTIVATION

Once activated, the PVR may be deactivated during activities such as:

- While protecting accident scenes
- Monitoring assigned traffic posts
- Assisting motorists
- To protect the identity of an officer in an undercover capacity
- To protect the identity of a confidential reliable informant
- The incident or event is such duration that the PVR is deactivated to conserve power and/or storage.
- The officer reasonable believes that the stopping of the recording will not result in the loss of critical evidence.
- Once an event has been stabilized, if it is necessary to discuss issues surrounding the incident/investigation with a supervisor or another officer in private, officers may turn off their PVR. This includes discussions between Field Training Officers with officers in training that are specific to training issues.
- If a request is made for a PVR to be turned off by a party being contacted, the officer should take into account the overall circumstances and what is most beneficial to all involved, before deciding to honor the request. For example, an officer may choose to turn off the PVR if its operation is inhibiting a victim or witness from giving a statement. It is up to the officer to make the determination as to what is best for the investigation or contact. If the PVR is deactivated, the officer should note the reason in their report/supplement.
- When ordered by a supervisor

When a PVR is deactivated officers should note the reason by narration prior to deactivation. If a report is prepared, the deactivation and the reason therefore should also be noted in the officer's report or supplement.

REPORT WRITING

To ensure the accuracy of reports, an officer should review audio and video data before making a report or statement. An officer shall note the following in his/her report:

- Whether audio or video evidence was gathered relating to the events described in the report.
- If the PVR was deactivated prior to the conclusion of the event, the fact that the PVR was deactivated and the basis for deactivation.
- Any malfunction of the PVR equipment in either the recording or the uploading of the event.

PVR DATA RETENTION

Data that is not classified under one of the specified classification options shall be retained for one year. All data that is classified under one of the specified classification options shall be retained at least six years but in no event less than as otherwise provided under the Minneapolis Records Management Policy, whichever is longer.

PVR ACCESS/REQUESTS FOR DUPLICATION OF RECORDINGS

All PVR recordings are the property of the MPD and original PVR recordings shall remain in the sole custody of the MPD, unless necessary for the preparation of civil, criminal or administrative matters, used in court as evidence, provided to an expert for analysis, or required to be provided to another by lawful order.

Nothing herein shall preclude MPD personnel from reviewing or using recorded data for the purposes of investigation or prosecution of crimes or preparation of reports. Recorded data may only be used for training purposes with the approval of the Deputy Chief of Professional Standards.

An officer is entitled to access audio and video data: derived from PVR equipment issued to him/her; in which his/her voice or image appears; when reasonable and necessary for the officer to perform the essential functions of his/her job; or to defend against allegations of substandard performance or misconduct. Requests by MPD personnel for duplication of PVR data for purposes of official MPD business shall be directed to the Crime Lab Video Forensics section via submission of the Crime Lab Video Request for Services form (MP-9069)

Requests by MPD personnel for duplication of PVR data for non-work related purposes (e.g. teaching, personal reasons) shall be submitted to the Records Information Unit and are subject to the Minnesota Government Data Practices Act and City of Minneapolis data charges.

Requests made by the public for PVR video will be processed by the Records Information Unit (RIU), in conjunction with Precinct Supervisors, the Crime Lab Video Forensics Section and the Public Information Office.

Records Information Unit responsibilities:

- Determine nature of the request;
- Ensure video is not part of an active criminal or internal investigation;
- Submit Crime Lab Video Request for Services form (MP-9069) to the CLU requesting duplication of video;
- Receive recorded media intended for release;
- Ensure the Public Information Office reviews video prior to release to make certain that only public information is released;
- Notify requestor video is ready;
- Collect fees and release video.

- Crime Lab Video Forensics Section responsibilities:
- Receive requests via Crime Lab Video Request for Services form (MP-9069).
- Process requests according to Crime Lab Division SOP's.

Public Information Office responsibilities:

- Coordinate with Records Information Unit to manage requests.
- Review all videos to be released.

Whenever PVR Data (or access to review such data) is provided to a person or entity other than MPD personnel, the requestor shall be given the Video Advisory attached hereto as Appendix A.

DEFINITIONS

Activation: Any process which causes the PVR system to record audio and/or video data. Activation will be done manually.

Categorize: To classify an event that has been recorded and for which a predetermined retention period has been set.

Critical Incident: An incident involving any of the following situations occurring in the line of duty:

- The use of Deadly Force by or against a Minneapolis Police Officer;
- Death or Great Bodily Harm to an officer;
- Death or Great Bodily Harm to a person who is in the custody or control of an officer;
- Any action by an officer that causes or is intended to cause Death or Great Bodily Harm.

Deadly Force: Minn. Stat. §609.066 states that: "Force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm other than a firearm loaded with less-lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force."

De-activation: Any process in which causes the PVR system to stop recording. De-activation will be done manually.

Designated Upload Site: Location where officers complete the task of uploading PVR recordings to a storage server through a PC or docking station.

Great Bodily Harm: Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm.

Mobile Video Recorder (MVR): Audio/video recording equipment designed for fixed installation in patrol vehicles that includes at a minimum, a camera, microphone, recorder and LCD monitor • Digital: Digitized (text, graphics, audio, and video).

Portable Video Recording (PVR) System: Digital audio-video recording equipment designed to be worn on a person.

PVR Equipment Check: An audio-video test to ensure that the PVR equipment is in working order. This check shall include a test of the video and microphone recording components and a date and time check.

PVR Operational Guide: Training manual/guide which outlines the protocol for operating the PVR system/equipment.

Pre-Event Recording: Video stored by the PVR system prior to manual activation. This is a configurable feature for the digital PVR system and is preset to record video prior to manual activation. The pre-event recording is included as part of the incident and is viewable during playback.

PVR Uploading: The act of transferring recorded data from the PVR to the storage server.

Record Mode: Any time PVR equipment is recording audio and video as indicated on the LCD monitor, wireless microphone and/or DVR.

Recorded Media: Audio-video signals recorded on any of several storage devices, including but not limited to, portable digital storage devices (e.g. CD, DVD, hard drive, flash drive).

Significant Incident: Includes, but are not limited to, any of the following situations occurring in the line of duty:

- Critical incident;
- Domestic abuse incident interview;
- Felony crime;
- Pursuit;
- Squad accident;
- Any incident in which the officer or sworn supervisor believes the recording to be of evidentiary and/or administrative value;
- The identity of someone in the video needs to be protected;
- Man-made or natural disaster or act of terrorism;
- Any event that an officer or supervisor believes should be brought to the immediate attention of police command staff;
- Any time that a citizen makes allegations of police misconduct or discrimination during the incident.

MINNEAPOLIS POLICE DEPARTMENT VIDEO ADVISORY

You are about to view and hear a recording of a specific police action. This recording depicts visual and audio information from the scene. However, the human brain, working through the lens of the human eye, is highly likely to perceive some things differently during stressful situations than a camera records them. This recording may not reflect how the involved officer actually perceived or documented the event.

In addition, the recording may depict things that the officer did not perceive, and the officer may have perceived things that were not recorded by the camera or microphone. Depending on the speed of the camera, some action elements may not have been recorded or may have happened faster than the officer could consider, process, and absorb them. The camera has captured a 2-dimensional image, which may be different from an officer's three-dimensional observations. Lighting and visual angles may also have contributed to different perceptions. And, of course, the camera did not view the scene with the officer's unique experience and training and cannot duplicate his or her physiological state. Moreover, unlike the officers depicted therein, you have the opportunity to review this recording in a controlled environment and to review it multiple times, in slow motion and to stop or pause it.

This recording may enhance your understanding of the incident. However, these video images and audio recordings are only two pieces of evidence to be considered in reconstructing and evaluating the totality of the circumstances. By itself, this evidence is not conclusive as to the propriety of the officer's actions.

To the extent the event in question involves the use of force; the United States Supreme Court has held that the standard against which a police officer's conduct is to be reviewed is as follows:

The reasonableness of the particular use of force:

"must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight * * * [and] the calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments-in circumstances that are tense, uncertain, and rapidly evolving-about the amount of force that is necessary in a particular situation."

Graham v. Connor, 490 U.S. 386, 109 S.Ct. 1865 (1989)

The existence of video and audio data does not change this legal standard.

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