

SPRING LAKE PARK POLICE DEPARTMENT

DEPARTMENT POLICY

POLICY# 800

EFFECTIVE DATE: JANUARY 1, 2014

REVIEW DATE: APRIL 30, 2015

RE: TASER AXON FLEX BODY WORN CAMERAS “BWC” AND VIDEO RETENTION

PURPOSE:

To establish uniform guidelines for the operation of the Axon Body Worn Cameras and to establish a retention schedule of digital video evidence. The primary use of the Axon Body Worn Cameras for Spring Lake Park Officers is for the purpose of collecting evidence to be used in the prosecution of persons who violate the law and to provide objective information concerning police/citizen contacts in accordance with law.

Scope:

All sworn members of the Spring Lake Park Police Department.

Background:

Law Enforcement’s use of in-car cameras and body worn cameras has proven effective in reducing violent confrontations and complaints against officers. Cameras provide additional documentation of police/public encounters and may be an important tool for collecting evidence and maintaining public trust. There is also a learning curve that comes with using body-worn cameras. Video cannot always show the full story nor does it capture an entire scene. The use of cameras does not reduce the requirement to provide thorough written documentation. Persons reviewing recordings must also be cautious before conclusions are reached about what the video shows.

Definitions:

Body Worn Camera “BWC” - A camera worn on an individual officer’s person that records and stores audio and video.

“BWC” Program Administrator – Police Department program administrator for Evidence.com and Taser Axon Camera system with full access to user rights and sets user access and parameters.

Digital Evidence – “BWC” files, including photographs, audio recordings and video footage, captured by a “BWC”, all metadata and stored digitally.

Evidence Transfer Manager “ETM” – A multi-ported docking station that simultaneously recharges the “BWC” while uploading all digitally encrypted data from the device. The docking station then transfers the digitally encrypted data to Evidence.com.

Evidence.com – A digital evidence management service contracted for the City of Spring Lake Park and accessed at slppd.evidence.com. This service stores digitally encrypted data in a highly secure environment accessible to personnel based on security clearance.

Metadata – Case numbers, Incident numbers and other descriptors used to identify digital evidence. There are up to twelve searchable fields into which this metadata can be entered.

Procedures:

A. Officer Safety takes Precedence over Recording Events

Officers shall follow existing officer safety policies when conducting enforcement stops as outlined in departmental policies and procedures. Officer safety shall be the primary consideration when conducting official law enforcement duties and facilitating police/citizen contacts.

B. General:

1. Enhance Officer Safety
2. Enhance Public Trust
3. Only authorized personnel shall use or be in possession of a “BWC” device.
4. “BWC” equipment is for official use only and shall not be utilized for personal use.
5. Allow for accurate documentation of police-public contacts, arrests and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
6. Enhance this agency’s (Spring Lake Park Police Department) ability to review probable cause for arrest, officer and suspect interaction and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training
7. Officers shall not tamper with or dismantle any hardware or software component of any “BWC” device.
8. The use of any other personal recording device for the same purpose is not authorized without written permission of the Chief of Police.
9. All digital evidence collected using the “BWC” is considered a record of the Spring Lake Park Police Department and is for official use only.
10. Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and contrary to this procedure is strictly prohibited. Public release of digital evidence is prohibited unless approved by the Chief of Police.
11. Personal Computer equipment and software programs shall not be utilized when

making copies of digital evidence. Using a secondary recording device such as a video camera, cell phone or other device to record or capture digital evidence from Slppd.evidence.com is strictly prohibited.

C. “BWC” Modes of Operation (Taser Axon Flex)

1. “BWC” system operates on rechargeable battery power for up to twelve hours of continuous buffering and records up to ten hours of continuous video and audio media. The user can view recordings and add metadata to monitors, computers and smart phones by downloading a specific software application (**Smartphones - optional – not required**). Viewing or adding metadata will not alter the video recording as it is protected with multiple layers of encryption on the aforementioned devices, the “BWC” itself and at Evidence.com.
2. Buffering Mode – is when a “BWC” is on but has not been activated to record both sound and video. While in the buffering mode, the camera will continuously record only video in (30) second loops.
3. Event Mode – is when the Event button is activated and the camera is recording both audio and video. The buffered video (not audio) captured directly before the event will be saved and attached to the event in permanent memory. Repeated pressing of the Event button turns the recordings on and off and creates separate media segments.

D. Pre-shift inspection:

1. Officers shall inspect their assigned “BWC” devices daily to ensure there is no visual damage and the device is in working order.
2. Visual damage shall be logged on the officer’s daily log and the officer’s immediate supervisor shall be immediately notified if applicable.
3. Inoperable equipment shall be presented to the “BWC” Program Administrator (Officer’s immediate supervisor) and a replacement device will be assigned (if available).

E. Camera Position:

1. Officers shall wear their assigned “BWC” devices on their heads by the department approved methods.
2. It shall be the responsibility of the officer due to differences in stature of officers, to adjust the “BWC” appropriately to capture the desired video.
3. Officer failure to appropriately adjust “BWC” while being worn is not acceptable and a violation of department policy.

F. Equipment Repair, Replacement and Maintenance

1. When a “BWC” malfunctions, the officer will notify his or her immediate supervisor.

2. The officer will note the nature of the malfunction in his or her daily log.
3. The inoperable equipment will be taken to the “BWC” Program Administrator (Officer’s immediate supervisor).
4. If the “BWC” Program Administrator cannot repair the device, the manufacturer will be contacted to facilitate the repair. Repair and replacement of damaged or nonfunctional “BWC” equipment will be coordinated through the “BWC” Program Administrator and an authorized service provider.
5. This procedure will be followed for all “BWC” related equipment and accessories.

G. Advisements about Recording:

1. Private citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer’s official duties, even when the contact is in a private residence. Therefore, officers are not required to give notice they are recording. However, if asked, officers shall advise citizens they are being recorded.
2. Officers are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.
3. Officers and supervisors involved in the investigation of a complaint against a member of the police department must inform complainants and witnesses they are being recorded.

H. When and Where to Record:

1. Police personnel who are assigned “BWC’S” must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance and to incorporate changes, updates or other revisions in policy and equipment.
2. Enforcement Related Contacts:
 - a. Officers shall use the event mode to record enforcement related contacts. The event mode should be activated prior to actual contact with the citizen, or as soon as safely possible thereafter, and continue recording until the contact is concluded.
 - b. Enforcement related contacts may include but not be limited to the following; Traffic stops, filed interviews, detentions, arrests, persons present at radio calls who are accused of crimes, and consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of the encounter.
 - c. Covering another City employee or law enforcement officer during an enforcement contact.
 - d. Officer working **plain clothes** assignments are exempt from this policy.
3. Arrests:
 - a. Officers may stop recording in the event mode when the arrestee is safely secured inside a police car or law enforcement facility. If an arrestee becomes uncooperative, or if there is some evidentiary purpose, officers should resume

recording in the event mode.

- b. If the officer resumes recording in the event mode, the camera shall remain in the event mode until the officer no longer has contact with the subject.

4. Suspect Interviews:

- a. Officers are encouraged to fully record suspect interviews. Officers should not stop and start the recording during a suspect interview.
- b. When recording interviews, officers shall ensure they record any admonishments (Miranda Warning – when appropriate, etc.) prior to the start of the interview.

5. Private Residences:

Private Citizens have a reasonable expectation of privacy in their homes. However, when officers are lawfully present in a home in the course of official duties, there is no reasonable expectation of privacy.

6. Searches:

During the execution of a search warrant, an arrest warrant, a Fourth Amendment waiver search, or a consent search in which the officer is looking for evidence or contraband.

I. When and Where Not to Record:

1. Communications with other police personnel without the permission of the Chief Law Enforcement Officer (CLEO)
2. Encounters with undercover officers or confidential informants.
3. "BWC's" shall not be used to record non-work related activity.
4. "BWC's" shall not be used to record in areas or activities such as pre-shift conferences, department meetings, locker rooms, break rooms, or other activities not related to a criminal investigation.
5. "BWC's" shall not be used during department administrative investigations.
6. General interactions with: (For example but not limited to: Co-workers, Supervisors, Chief of Police, City Administrator, Mayor and Council Members or any other employees of the City of Spring Lake Park.
7. Patient Privacy:
 - a. Officers shall not record patients during medical or psychological evaluations by a clinician or similar professional or during treatment, unless required for evidentiary purposes (Example: Legal Blood, etc). Officers shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers shall be careful to avoid recording persons other than the suspect.
 - b. Officers shall not record while in a facility whose primary purpose is to provide psychiatric services unless lawfully present in the course of official duties responding to a radio call involving a suspect who is still present.

- c. Officers shall not record while inside jail facilities.
- 8. Generally, officers should not record informal or casual encounters with members of the public. Officers should consider that recording people in some circumstances may inhibit sharing neighborhood information or developing strong ties between members of the community and officers.

J. Documentation of recorded Events:

- 1. All recordings shall be documented on ICR's, Arrest reports, related reports and as appropriate.

K. Entering Metadata

Each recorded segment requires metadata be entered, even if the segments are of the same event. Metadata should be added at the conclusion of the event. In case of a delay, metadata should be added as soon as possible but no later than the end of the officer's schedule shift.

L. Downloading Procedures:

After verifying the required metadata has been added to all recorded events, officers shall place the "BWC" into a slot on the "ETM" at the end of their shift. This will allow for the battery to recharge. The data will automatically be transferred from the "BWC" through the "ETM" to Evidence.com. The data is considered downloading at this point.

M. Accessing Downloaded Digital Evidence:

- 1. All those given permission associated with Evidence.com may review digital evidence.
- 2. Using a department computer, enter slppd.evidence.com in the browser.
- 3. Enter assigned user name and password. For help with problems, contact the Department Program Administrator.
- 4. Digital Evidence can be viewed and/or copied from this location.

N. Retention of Digital Evidence:

Digital Evidence is securely stored in accordance with the Minnesota Government Data Practices Act and the Minnesota State Records Retention Laws and not longer that useful for purposes of training or for uses in an investigation or prosecutions. In capital punishment prosecutions, recording shall be kept permanently. Listed below is a guideline for retention of video types not all inclusive:

Use of Force	6yrs
Arrest's and Charges	90 days after final disposition or appeals. (If use of

	force then hold 6yrs).
Pursuit	90 days after final disposition or appeals. (If use of force then hold 6yrs).
Transport	30 days
Traffic Stop with citation	90 days after final disposition or appeals.
Traffic Stop without citation	30 days
Vehicle Search	30 days
Misc. Contacts	30 days
Test	End of Shift
Medicals	30 days

O. Reviewing Downloaded Digital Evidence:

1. Officers may review their own recordings.
2. The Spring Lake Park Investigator is responsible for reviewing, updating and tracking digital evidence associated with assigned cases.
3. Digital evidence captured by the “BWC” is not all inclusive. The system captures a less broad and less detailed image than the totality of the human senses. An officer’s recollection of specific details may be different than what is captured in digital evidence. Officers should review digital evidence prior to completing reports when necessary to ensure accuracy. Officers shall review digital evidence prior to providing testimony at hearings, trial or depositions.
4. It is not the intent of the Department to review digital evidence for the purpose of general performance review, for routine preparation of performance reports or to discover policy violations.
5. Digital Evidence may be viewed for administrative purposes to include but not limited to:
 - a. Any incident in which a member of the Department is injured or killed during the performance of their duties.
 - b. Any incident involving the use of force by a member of the Department which results in injury or death.
 - c. Any in-custody death.
 - d. Any police pursuit
 - e. When any member of the Department intentionally or unintentionally discharges a firearm at a person regardless whether an individual is struck.
 - f. When any member of the Department not involved in training intentionally or unintentionally discharges a “Conductive Energy Weapon” at a person,

including the application of a drive stun.

- g. Officer Involved traffic collision.
 - h. Prior to release of recording in response to proper legal request (Ex: subpoena or other court order)
 - i. In preparation for a civil deposition or responding to an interrogatory where the incident arises from the employee's official duties.
 - j. When preparing to testify in a criminal, civil or administrative proceeding arising from the employee's official duties.
 - k. For investigations undertaken by the Department, for the purpose of proving or disproving specific allegations of misconduct.
 - l. For administrative proceedings, when digital evidence is used by the Department for the purpose of proving or disproving allegations of misconduct, only digital evidence relevant to the investigative scope shall be viewed and retained by investigators. Information relevant to the recordings viewed and seized as evidence by investigators shall be documented as part of the chronological summary of any investigation undertaken by the Department.
 - m. At least on a monthly basis, supervisors will randomly review Mobile audio/video recordings 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 area in which additional training or guidance is required.
6. In situations where there is a need to review digital evidence not covered by this procedure, the Chief Law Enforcement Officer or his designee must approve the request. Each situation will be evaluated on a case by case basis.

P. Discovery of Misconduct:

Sergeants reviewing event recording should remain focused on the incident or incidents in question and review only those recording relevant to their investigative scope. If improper conduct is discovered during any review of digital evidence, the Sergeant may take the necessary steps to council, train or recommend for discipline the officer involved. In adherence with local department policy and/or current union bargaining agreement.

Q. Copying and Releasing Digital Evidence:

Digital evidence captured by "BWC" shall be treated as official records and handled pursuant to existing Department policies and procedures.

R. Use of Digital Evidence for Training Purposes:

Officers and supervisors may find it useful and are encouraged to review recordings of incidents of which they were involved when beneficial for the purposed of conducting a tactical debrief. When an incident is recorded which may be of value as a training aid for a broad section of the Department, the recording officer or that officer's supervisor

should contact the Chief Law Enforcement Officer (CLEO) who will review the digital evidence to determine the value of the incident for training. If the “CLEO” determines the incident would be an appropriate training aid, the “CLEO” shall obtain approval from the Department Legal Advisor.

S. “BWC” Program Administrator Responsibilities:

“BWC” Program Administrators shall be the “Sergeants” of the Spring Lake Park Police Department. “BWC” Program Administrators are responsible for performing the following duties:

1. Maintain and troubleshoot the “BWC” units
2. Maintain a record of assigned “BWC” and related equipment
3. Be proactive and able to complete minor repairs.
4. Arrange for the warranty and Non-warranty repair of the “BWC” units
5. Repair or replace “BWC” components (Cameras, docking stations, etc.)
6. Maintain “BWC” equipment repair and maintenance records.
7. Update software and system settings as necessary
8. Train officers on current policy and proper use of “BWC” units.