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## Mobile Video Recorders

### 800.1 PURPOSE AND SCOPE

The Burnsville Police Department has equipped uniformed officers with Mobile Video Recording (MVR) systems to document events during the course of an incident. This policy provides guidance on the use and management of the systems and the recorded media.

#### 800.1.1 DEFINITIONS

- (a) **Activate** - Any process that causes the 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 or individually worn by officers.
- (e) **MVR Administrator** - Designated personnel certified or trained in the operational use of MVRs, storage and retrieval methods and procedures 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 the vendor. Also responsible for the training of law enforcement operators on the use of the MVR.
- (f) **Recorded Media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

### 800.2 POLICY

The Burnsville Police Department may equip officers with access to Mobile Video Recorders 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.

#### 800.2.1 MOBILE VIDEO RECORDER OBJECTIVES

The Burnsville Police Department has adopted the use of 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.

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- (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 law enforcement officers and the City of Burnsville.
- (h) To assist with the training and evaluation of officers.

#### **800.3 OFFICER RESPONSIBILITIES**

Officers who are issued an MVR will, as part of their uniform, wear and activate the MVR 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 MVR system is not functioning and the MVR administrator and Watch Commander have been notified.

At the start of each shift, officers will confirm the MVR system is 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 MVR equipment shall immediately be reported to the Watch Commander and MVR administrator.

MVRs shall not be worn while officers are engaged in outside agency employment, unless previously authorized by a Watch Commander.

#### **800.4 SUPERVISOR RESPONSIBILITIES**

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

Supervisors should determine corrective action for non-functioning 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 MVR is properly uploaded.

#### **800.5 ACTIVATION OF THE MVR**

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

##### **800.5.1 REQUIRED ACTIVATION OF THE MVR**

This policy is not intended to describe every possible situation in which the MVR system may be used, although there are many situations where its use is appropriate. An officer may activate the

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system any time the officer believes its use would be appropriate and/or valuable to document an incident.

At no time is an officer expected to jeopardize his/her safety in order to activate the MVR. However, the MVR should (a generally required or expected action) be activated in the following situations as soon as practicable:

- (a) All field contacts involving actual or potential criminal conduct, including but not limited to:
  - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops).
  - 2. Priority responses.
  - 3. Vehicle pursuits.
  - 4. Suspicious Vehicles.
  - 5. Arrests.
  - 6. Vehicle searches.
  - 7. Physical or verbal confrontations or use of force.
  - 8. Prisoner transports.
  - 9. Non- custody transports.
  - 10. Pedestrian checks.
  - 11. DWI investigations including field sobriety tests.
  - 12. Taking a statement or information from a suspect or witness.
  - 13. Medical incidents attended to by members of the Department.
- (b) All self-initiated activity in which an officer would normally notify the Dakota Communications Center.
- (c) Any call for service involving a crime where the MVR may aid in the apprehension and/or prosecution of a suspect, including but not limited to:
  - 1. Family violence calls.
  - 2. Disturbance of peace calls.
  - 3. Offenses involving violence or weapons.
- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.
- (e) Any other circumstance where the officer, through training and experience, believes that a recording of an incident would be appropriate.

#### 800.5.2 CESSATION OF RECORDING

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

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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 MVR or in a written report.

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.

#### **800.5.3 WHEN ACTIVATION IS NOT REQUIRED**

Activation of the 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.

Officers will try to avoid recording videos of persons who are nude or when sensitive human areas are exposed.

#### **800.5.4 USE OF RECORDERS**

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).

Officers of the Department may record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not 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.

#### **800.6 PROHIBITED USE OF RECORDERS**

Intentional interference with the MVR system is strictly prohibited.

Officers are prohibited from using department-issued 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.

The MVR will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities.

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).

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#### **800.8 DOCUMENTING MVR USE**

If any incident or video statements are recorded with the MVR system, the existence of that recording shall be documented in the officer's report. A video statement is not a replacement for a written or audio tape-recorded statement.

If a citation is issued, the officer shall make a notation on the citation indicating that the incident was recorded.

#### **800.9 RECORDING MEDIA STORAGE AND INTEGRITY**

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

##### **800.9.1 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 Dakota County Attorney, the Burnsville City Attorney, or other prosecutorial agencies associated with any future prosecution arising from an incident in which the MVR was utilized.

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

#### **800.10 SYSTEM OPERATIONAL STANDARDS**

- (a) MVR system use should be based on officer safety requirements and device manufacturer recommendations.
- (b) The MVR system should be configured to minimally record for 30 seconds prior to activation.
- (c) Officers shall select a category (case file, citation, miscellaneous, permanent, extraneous or training) for each digital recording.
- (d) 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.
- (e) Officers shall not attempt to delete, alter, reuse, modify or tamper with MVR recordings.

#### **800.11 MVR ADMINISTRATOR RESPONSIBILITIES**

The 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.

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- (d) Ordering, issuing, retrieving and storing all MVR equipment.
- (e) Logs reflecting MVR equipment assignments, serial number, the date it was issued, and the officer to which it was issued.

#### **800.12 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 and other laws.

#### **800.13 TRAINING**

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

#### **800.13 USE AND REVIEW OF MVR RECORDINGS**

All recordings 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 Officer Discipline Procedures Act (Minn. Stat. § 626.89), or other applicable law.

Supervisors are authorized to review recordings whenever such recordings would be beneficial in reviewing the officer's performance or actions.

Recorded files may also be reviewed:

- (a) For use when preparing reports or statements.
- (b) To review for court preparation.
- (c) By an officer who is captured on or referenced in the video or audio data and reviews and uses the data for any purpose relating to any legitimate law enforcement purpose.
- (d) To assess proper functioning of MVR systems.
- (e) By department personnel who are participating in an official investigation such as a personnel complaint, administrative inquiry or a criminal or civil investigation.
- (f) To determine applicable City Ordinance violations for subsequent actions.
- (g) By court and prosecutorial personnel through proper process or with permission of the Chief of Police or Division Commander.
- (h) By the media through a valid MGDPA request (Minn. Stat. § 13.01 et seq.).
- (i) To assess possible training value.
- (j) 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 Division Commander to determine if the training value outweighs the officer's objection.

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- (k) Officers will typically not allow citizens to review the recordings; however, officer discretion is allowed to replay the video recording to citizens at the scene in order to mitigate possible complaints or as part of an investigation.

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.