

ROSEVILLE POLICE DEPARTMENT

PATROL PROCEDURE: 31x

EFFECTIVE:

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**SUBJECT: Portable Recording System (PRS)**

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**PURPOSE**

To establish guidelines for the use, management, storage, retrieval and duplication of video and audio media recorded by the Portable Recording System (PRS). The Roseville Police Department may provide members with access to a PRS for use during the performance of their duties. The use of a PRS is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

**I. POLICY**

The Roseville Police Department may provide members with access to portable recorders for use during the performance of their duties. The use of the recorders is intended to enhance the mission of the Department by documenting contacts between members of the Department and the public. Digital evidence captured by the portable recording system is not all inclusive. The system captures a less broad and less detailed image than the totality of the human senses.

**II. PORTABLE RECORDING SYSTEM PROGRAM OBJECTIVES**

The Roseville Police Department has adopted the use of PRSs to accomplish the following objectives:

- A. To enhance accountability and public trust by preserving evidence of officer interaction with citizens.
- B. Capture digital audio-video evidence for criminal, civil and traffic-related court cases.
- C. Assist officers with recalling factors or other details captured by the equipment that will help them accurately articulate a chain of events when writing reports.
- D. Be used as a training tool for officer safety and best practices in the Roseville Police Department.

**II. SCOPE**

This policy governs the use of PRSs in the course of official duties. It does not apply to the use of surreptitious recording devices in undercover operations or the use of squad-based (dash-cam) video recorders. The chief or chief's designee may supersede this policy by providing specific instructions for the use of PRSs to individual officers, or providing specific instructions for the use of PRSs pertaining to certain events or classes of events, including but not limited to protests and demonstrations.

### **III. DEFINITIONS**

- A. Portable recording system: A device worn by a peace officer that is capable of both video and audio recording of the officer's activities and interactions with others or collecting digital multimedia evidence as part of an investigation.
- B. Portable recording system data: Audio or video data collected by a portable recording system.
- C. Redact: blur video or distort audio so that the identity of the subject in a recording is obscured sufficiently to render the subject unidentifiable.
- D. General citizen contact: 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, community outreach events (COE's), summoning a tow truck, or receiving generalized concerns from a citizen about crime trends in his or her neighborhood.
- E. Evidentiary value: 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 a law enforcement agency or officer.
- F. Adversarial: An 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.

### **IV. USE AND DOCUMENTATION**

- A. Officers may only use department-issued PRS in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this department.
- B. All Officers who are issued a PRS must receive training in the use of the PRS by an authorized representative. Only those officers that have been issued a PRS and have received the department authorized training may operate a PRS. All RPD employees who use the PRS systems shall receive training on these systems and this policy.
- C. All officers issued a PRS are required to wear and use their PRS while working in any uniformed assignment. This applies to overtime assignments and uniformed off-duty employment in the City of Roseville.
- D. Officers should wear their PRS at the location on their body and in the manner specified in training.
- E. Officers shall conduct a function test of their issued PRS at the beginning of their shift to make sure the devices are operating properly. Officers noting a malfunction during testing or any other time shall promptly report the malfunction to the on-duty supervisor and shall complete an Equipment Service Request. A replacement PRS should be used, if available. Officers shall not attempt maintenance or repair of any component of the PRS.
- F. Officers must document their use and non-use of the PRS as follows:

1. Whenever an officer makes a recording, the existence of the recording shall be documented in the incident report. If no incident report exists, then the existence of the recording will be documented through the classification process.
  2. If there is a failure to record an activity that is required to be recorded under this policy or only captures a part of the activity, the officer must document the circumstances and reasons for not recording in an incident report or CAD record.
- G. The PRS is not a replacement for an officer's written report.
- H. Officers failing to adhere to this policy or applicable laws regarding the use of a PRS and any associated data, including but not limited to restrictions regarding accessing such data, are subject to discipline, up to and including termination.
- I. The department will maintain the following records and documents relating to PRS use, which are classified as public data: 1) The total number of PRSs owned or maintained by the agency, 2) A daily record of the total number of PRSs actually deployed and used by officers, 3) The total amount of recorded PRS data collected and maintained; and 4) This policy, together with the Records Retention Schedule.
- J. By department policy: no department employee will take any actions intended to damage or render any part of the PRS inoperable, overwrite recorded data, or defeat the intended use of the PRS.

V. **GENERAL GUIDELINES FOR RECORDING**

- A. At no time is an officer expected to jeopardize his or her safety in order to activate the PRS. Officer safety and public safety take precedence over recording events. Officer safety and the safety of the public shall be the primary considerations when contacting citizens or conducting vehicle stops, not the ability to record an event. Officers need not activate their cameras when it would be unsafe, impossible, or impractical to do so. However, the PRS should be activated as soon as practical. In such instances of not recording when otherwise required, it must be documented as specified in the Use and Documentation guidelines (section IV).
- B. This policy is not intended to describe every possible situation in which the PRS should be used. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.
- C. Officers shall activate their PRSs when responding to all calls for service and during all law enforcement-related encounters and activities, including but not limited to pursuits, Terry stops of motorists and pedestrians, traffic stops, arrests, searches, suspect interviews and interrogations, and during any police/citizen contacts that becomes adversarial.
- D. Officers should activate their PRS prior to any use of force. If a PRS is not activated prior to a use of force, it should be activated as soon as safe to do so.
- E. Officers shall activate their PRS when directed to do so by a supervisor.
- F. Officers should use their PRS to record their transportation and the physical transfer of persons in their custody to hospitals, detox, mental health care facilities, juvenile detention centers, court of laws and jails, but otherwise should not record in these facilities unless the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of-force incident.
- G. All strip searches shall be recorded by at least one person present during the entirety of the

strip search, including all pre-search instructions provided to the person being searched. The camera shall be positioned to assure that only audio data is collected and that the person being searched is not captured on video.

- H. Except as otherwise directed, officers have discretion to record or not record incidental general citizen contacts that do not become law enforcement-related or adversarial, and when 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 tow truck, or receiving generalized concerns from a citizen about crime trends in his or her neighborhood.
- I. Officers need not record persons being provided medical care unless there is reason to believe that the recording would document information having evidentiary value. When responding to an apparent mental health crisis or event, PRSs should 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 activated when doing so would serve only to record symptoms of behaviors believed to be attributable to the mental health issues.
- J. Officers have no affirmative duty to inform people that a PRS is being operated or that the individuals are being recorded. Officers may elect to notify people they encounter that a PRS is being operated if they feel that doing so may de-escalate an encounter. If asked, officers are required to provide a factual response about recording.
- K. When taking a formal statement from a victim or witness, an officer should make an attempt to notify a victim or witness on the use of the PRS, unless they believe that it would distract from the investigation.
- L. Once activated, the PRS should continue recording until the conclusion of the incident or until it becomes readily apparent that additional recording is unlikely to capture information having any evidentiary value. A sergeant, supervisor, or detective having charge of a scene can likewise direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value. Officers shall state the reasons for ceasing the recording on camera before deactivating their PRS. If circumstances change, officers shall reactivate their cameras as required by this policy to capture information having evidentiary value.
- M. Officers may cease recording under the following situations:
  - 1. To protect the identity of an officer in an undercover capacity.
  - 2. To protect the identity of an informant.
  - 3. If a request is made for a PRS 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 PRS if its operation is inhibiting a victim or witness from giving a statement. Factors to consider may include the type of call and the vulnerability of the victim, such as the victim of a sexual assault.
  - 4. Recording may be temporarily ceased to exchange information with other officers. The reason to cease and resume recording will be noted by the officer verbally on the PRS or in a written report.
  - 5. When a supervisor has determined in advance that the video or audio data could result in the disclosure of operational or tactical information that would compromise the effectiveness of future actions or jeopardize officer safety.
  - 6. When it reasonably appears to the officer that an individual's privacy outweighs any legitimate law enforcement interest in recording. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

- N. Officers shall not intentionally block the PRS audio or visual recording functionality to defeat the purposes of this policy.
- O. Notwithstanding any other provision in this policy, officers shall not use their PRS to record other agency personnel during non-enforcement related activities, such as during pre- and post-shift time in locker rooms, during meal breaks, or during other private conversations. The Chief of Police may authorize the use of PRS's as part of an administrative or internal criminal investigation.

## **VI. DOWNLOADING AND LABELING DATA**

- A. Each officer using a PRS is responsible for transferring or ensuring the proper transfer of the data from his or her camera to the designated data storage location by the end of that officer's shift. If there is an unforeseen issue in transferring, a supervisor should be notified.
- B. If an officer is involved in a shooting, in-custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor or detective shall take custody of the officer's PRS and assume responsibility for transferring the data from it. If an investigating agency requests to take control of the PRS, the data must first be transferred to the department's servers and the chief of police or designee must authorize the transfer of the PRS to the outside agency.
- C. Officers should classify the PRS data files at the time of video capture or transfer to storage. See Appendix A for the classifications and definitions.
- D. Unintentional Recorded footage is a video recording that results from an officer inadvertently activating their PRS, provided that no portion of the resulting recording has evidentiary value. Examples of include, but not limited to, recordings made in department locker rooms, restrooms, or accidental recordings of non-business, personal nature with the expectation that the conversation was not being recorded. These recordings may be purged by a command level staff member with the proper administrative rights. The request to have the unintentional footage purged shall be maintained to ensure the integrity of the system.

## **VII. ACCESS TO PRS DATA**

- A. It is not the intent of the department to review digital evidence for the purpose of general performance review, for routine preparations of performance reports, or to discover policy violations.
- B. Access to PRS data shall be limited to the employee who captures the video, supervisory personnel, and those detectives or officers who are participating in an official department investigation.
- C. Officers may access and view stored PRS data of incidents in which they have been directly involved. Officers can view saved data to 1) Refresh memories of events and statements prior to completing reports or making statements, 2) Ensure the system is operating properly and 3) Self-Critique.
- D. Officers may display portions of the PRS footage to witnesses for purposes of investigation as allowed by Minn. State 13.82, subd 15. Officers should generally limit these displays in order to protect against the incidental disclosure of individuals whose identities are not public.
- E. PRS data may be shared with other law enforcement agencies only for legitimate law enforcement purposes. It shall be made available to prosecutors, courts, and other criminal

justice entities as provided by law.

- F. No employee may access the department's PRS data except for legitimate law enforcement or data administration purposes.

### VIII. **AGENCY USE OF DATA**

- A. At least once a month, supervisors will randomly review PRS usage by each officer to ensure compliance with this policy.
- B. Supervisors and other assigned personnel may access PRS data for the purposes of reviewing or investigating a specific incident that has given rise to a complaint or concern about officer misconduct or performance.
- C. Officers should contact their supervisors to discuss retaining and using PRS footage for training purposes. Officer objections need to be submitted to the Chief of Police to determine if the value of training outweighs the officer's objection to releasing the video.
- D. Field Training officers may utilize PRS data with trainees for the purpose of providing coaching and feedback on the trainee's performance.
- E. PRS data may be viewed for administrative purposes to include, but not limited to:
  - 1. Any incident where a member of the department is injured or killed during the performance of their duties.
  - 2. Any incident involving the use of force by a member of the department so the supervisor can validate the force used was within policy.
  - 3. Any in-custody death.
  - 4. Any police pursuit.
  - 5. When any member of the Department intentionally or unintentionally discharges a firearm at a person regardless whether an individual is struck.
  - 6. Officer Involved traffic collision.
  - 7. Prior to release of recording in response to proper legal request (Ex: subpoena or other court order)
  - 8. In preparation for a civil deposition or responding to an interrogatory where the incident arises from the employee's official duties.
  - 9. When preparing to testify in a criminal, civil or administrative proceeding arising from the employee's official duties.
  - 10. For investigations undertaken by the Department, for the purpose of proving or disproving specific allegations of misconduct. 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.
- F. Supervisors 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 Supervisor may take the necessary steps to counsel or initiate an internal affairs investigation in adherence with department policy.

### IX **RETENTION AND COPYING OF RECORDED DATA**

- A. Much of the data saved on the server will not be needed for long term retention and will be automatically purged after a minimal time period or when a determination is made that the data no longer needs to be retained. See Appendix A for retention schedules.
- B. Other recorded data will require long term retention and/or transfer to another type of media. Copies of recorded data may be made for the following reasons:
  - 1. For use as evidence in court
  - 2. For review by prosecuting or defense attorneys
  - 3. For use in investigating complaints against officers
  - 4. To assist officers and investigators in an investigation
  - 5. For officer review prior to a court appearance
  - 6. For long term records archiving
  - 7. For use as authorized training material
  - 8. As part of a data request
  - 9. Other uses as approved the Chief of Police
- C. The duplication of recorded data from the server to other media is the responsibility of a person(s) designated by the Chief of Police and trained in the operation of the server and duplicating equipment. Requests for duplicate recorded data should be made in writing a minimum of two days prior to need and submitted to the person(s) designated by the Chief of Police to duplicate data. The data request should include: 1) Case number, 2) Data and time of incident, 3) Name and badge number of officer making the original recording and 4) Reason for the copy. After use, all duplicates shall be returned to the property room manager for disposition.
- D. The copying of all data will be for official business only and subject to Minnesota Data Practices laws. Exceptions shall be approved by the Chief of Police. Data recorded by the PRS and stored on any media is classified as official government data and subject to Minnesota data practices.
- E. The copying, viewing and distribution of any recorded data for any use not approved by the Chief of Police is prohibited.
- F. An independent, bi-annual audit will be conducted of the PRS data to determine if the data are appropriately classified, how the data are used and whether the data are destroyed per Minnesota Statute 13.82. The results of the audit are considered public information and will be reported to the Roseville City Council and the Legislative Commission on Data Practices and Personal Data Privacy no later than 60 days following the completion of the audit.



Rick Mathwig  
Chief of Police

## Appendix A.

### Data Retention

Classification	Definition	Retention
AOA	Footage captured while assisting other agency that may contain evidence	120 days
Arrest	Custodial arrest	2 years
<u>Discharge Firearm</u>	<u>Discharge Firearm per 626.553 Subd 2. Not included in Arrest Incident</u>	<u>1 year</u>
<u>Use of Force</u>	<u>Not included in Arrest incident</u>	<u>1 year</u>
<u>Formal Complaint</u>	<u>PRS data related to a formal complaint</u>	<u>1 year</u>
Response	Response to CFS that does not result in any other classification	30 days
Interview/Investigative	Interview or incident captured on PRS that does not result in any classification	180 days
Test/Accidental Activation	System check at beginning of duty tour / accidental activation	30 days
Traffic Citation/Warn	Traffic stop resulting in citation/warn	1 year
Training	Event that could assist in department training	Manual
<u>Data Subject Request</u>	<u>PRS data requested to be held by subject of data</u>	<u>180 days</u> <u>(subject to be notified before data is deleted)</u>
<u>Accidental Activation</u>	Unintentional recorded footage that resulted from officer's inadvertence recording that has no evidentiary value.	Manual w/ command level approval

The retention period will provide department personnel an opportunity to retain the data according to guidelines as set forth in Minnesota Statutes and Ramsey County evidence retention guidelines.