

United States Marshals Service
Fugitive Task Force
Memorandum of Understanding
For Non-Federal Agencies

Rev. 03/2023

PARTIES AND AUTHORITY:

This Memorandum of Understanding (MOU) is entered into by the

St. Paul Police

and the United States Marshals Service (USMS) pursuant to 28 U.S.C. § 566(e)(1)(B). As set forth in the Presidential Threat Protection Act of 2000, codified at 34 U.S.C. 41503, and directed by the Attorney General, the USMS has been granted authority to direct and coordinate permanent Regional Fugitive Task Forces consisting of federal, state, and local law enforcement authorities for the purpose of locating and apprehending fugitives. The authority of the USMS to investigate fugitive matters as directed by the Attorney General is set forth in 28 USC § 566. The Director's authority to direct and supervise all activities of the USMS is set forth in 28 USC § 561(g) and 28 CFR 0.111. The authority of United States Marshals and Deputy U.S. Marshals, "in executing the laws of the United States within a State . . . [to] exercise the same powers which a sheriff of the State may exercise in executing the laws thereof" is set forth in 28 USC § 564. Additional authority is derived from 18 USC § 3053 and Office of Investigative Agency Policies Resolutions 2 & 15. *See also* Memorandum for Howard M. Shapiro, General Counsel, Federal Bureau of Investigation concerning the "Authority to Pursue Non-Federal Fugitives," issued by the U.S. Department of Justice (DOJ), Office of Legal Counsel, dated February 21, 1995; Memorandum concerning the "Authority to Pursue Non-Federal Fugitives," issued by the USMS Office of General Counsel, dated May, 1, 1995; 42 U.S.C. § 16941(a) ("The Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements."). Additional authority is derived from the Attorney General's Memorandum, Implementation of National Anti-Violent Crime Initiative (March 1, 1994); Attorney General's Memorandum, Policy on Fugitive Apprehension in FBI and DEA Cases (dated August 11, 1988); Memorandum of Understanding between the Drug Enforcement Administration and the United States Marshals Service (dated September 28, 2018, or as hereafter amended); and Federal Rules of Criminal Procedure 41 – Search and Seizure.

MISSION: The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active warrants for their arrest. The intent of the joint effort is to investigate and apprehend federal, local, state, tribal, and territorial fugitives, thereby improving public safety and reducing violent crime. Each participating agency agrees to refer cases for which they hold the primary warrant for the subject to the RFTF (Regional Fugitive Task Force) or VOTF (Violent Offender Task Force) for adoption and investigation. Cases will be adopted by the RFTF/VOTF at the discretion of the RFTF/VOTF Chief Inspector/Chief Deputy. Targeted crimes will primarily include violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes committed by

subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses. Upon receipt of a written request, the RFTF/VOTF may also adopt non-participating law enforcement agencies in investigating, locating, and arresting their fugitives. Task force personnel will be assigned federal and adopted fugitive cases for investigation. Investigative teams will consist of personnel from different agencies whenever possible. Participating agencies retain responsibility for the cases they refer to the RFTF/VOTF. Federal fugitive cases referred to the task force for investigation by any participating agency will be entered into the National Crime Information Center (NCIC) by the USMS or originating agency, as appropriate. State, local, tribal, or territorial fugitive cases will be entered into NCIC (and other applicable state or local lookout systems) as appropriate by the concerned agency.

SUPERVISION: The RFTF/VOTF may consist of law enforcement and administrative personnel from federal, state, local, tribal, and territorial law enforcement agencies. Agency personnel must be approved by the RFTF/VOTF Chief Inspector/Chief Deputy prior to assignment to the RFTF/VOTF. Agency personnel may be removed at any time at the discretion of the RFTF/VOTF Chief Inspector/Chief Deputy. Direction and coordination of the RFTF/VOTF shall be the responsibility of the RFTF/VOTF Chief Inspector/Chief Deputy. Administrative matters which are internal to the participating agencies remain the responsibility of the respective agencies. Furthermore, each agency retains responsibility for the conduct of its personnel. A Task Force Advisory Committee, consisting of representatives of participating agencies and USMS RFTF/VOTF personnel, may be established at the discretion of the RFTF/VOTF Chief Inspector/Chief Deputy and will meet and confer as necessary to review and address issues concerning operational matters within the RFTF/VOTF.

PERSONNEL: In accordance with Homeland Security Presidential Directive 12, personnel assigned to the task force are required to undergo background investigations to be provided unescorted access to USMS offices, records, and computer systems. The USMS shall bear the costs associated with those investigations. Non-USMS law enforcement officers assigned to the task force will be deputized as Special Deputy U.S. Marshals.

REIMBURSEMENT: If the Marshals Service receives Asset Forfeiture funding for either 1) overtime incurred by state, local, tribal, or territorial investigators who provide full time support to USMS RFTF/VOTF joint law enforcement task forces; or 2) travel, training, purchase or lease of police vehicles, fuel, supplies or equipment for state, local, tribal, or territorial investigators in direct support of state, local, tribal or territorial investigators, the USMS shall, pending availability of funds, reimburse your organization for expenses incurred, depending on which category of funding is provided. Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped the equivalent 25% of a GS-1811-12 Step 1, of the general pay scale for the Rest of United States. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the RFTF/VOTF during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator, and the total quarterly cost. The request for reimbursement must be submitted to the RFTF/VOTF Chief

Inspector/Chief Deputy, who will review the request for reimbursement, stamp and sign indication that services were received and that the request for reimbursement is approved for payment. Supporting documentation must accompany requests for reimbursement for equipment, supplies, training, fuel, and vehicle leases.

Reimbursement for other types of qualified expenses (i.e., investigative or travel) shall be contingent upon availability of funds and the submission of a proper request for reimbursement. Task force personnel may incur investigative expenses or may be required to travel outside of the jurisdiction to which they are normally assigned in furtherance of task force operations. State, local, tribal, or territorial task force officers (TFOs) traveling on official business at the direction of the USMS shall be reimbursed directly by the USMS for their authorized travel expenses in accordance with applicable USMS policy, federal laws, rules, and regulations. The request for reimbursement must be submitted to the RFTF/VOTF Chief Inspector/Chief Deputy, or IOD program Chief (i.e., SOIB or OCAG), and must include appropriate supporting documentation.

VEHICLES: Pending the availability of asset forfeiture funding, the USMS may acquire vehicles to be utilized by state, local, tribal, or territorial investigators assigned to the RFTF/VOTF. Vehicles provided by the USMS remain in the control of the USMS and must be used solely in support of RFTF/VOTF operations. The vehicles must be available for exclusive use of the TFOs assigned to the RFTF/VOTF by the undersigned participant agency for the duration of the agency's participation on the task force. If the agency is no longer a participating member of the RFTF/VOTF, any USMS vehicle provided to the agency for use by TFO(s) must be returned to the USMS. Operators of USMS-provided vehicles must adhere to USMS policy regarding the use of government owned vehicles. Any violation of the USMS vehicle policy may result in the vehicle being repossessed by the USMS and the operator and/or agency forfeiting the opportunity to utilize a USMS-provided vehicle in the future. Vehicles provided to state, local, tribal, or territorial investigators may be subject to additional regulations or restrictions pursuant to USMS lease agreements. Replacement or removal of any vehicle provided by the USMS will be at the discretion of the USMS and/or subject to lease agreement terms.

EQUIPMENT: Pending the availability of Asset Forfeiture funding, the USMS may purchase equipment for state, local, tribal, or territorial investigators assigned to the RFTF/VOTF. Equipment purchased by the USMS using Asset Forfeiture funding must be used solely in support of RFTF/VOTF operations. The equipment must be available for exclusive use of the TFOs assigned to the RFTF/VOTF by the undersigned participant agency for the duration of the agency's participation on the task force. If the agency is no longer a participating member of the RFTF/VOTF, any equipment purchased with Asset Forfeiture and provided to TFOs from the agency may be retained by the agency. Equipment provided by the USMS that is not purchased using Asset Forfeiture funding remains the property of the USMS and will be issued to state, local, tribal, or territorial investigators for exclusive use in support of the RFTF/VOTF. If the investigator or agency is no longer a participating member of the RFTF/VOTF, any equipment issued that was not purchased with Asset Forfeiture funding will be returned to the USMS.

BODY-WORN CAMERAS AND TASK FORCE OFFICERS: As per USMS Policy, Body Worn Cameras (BWC) may be worn by TFOs operating on a USMS Task Force when their parent agency mandates their use by personnel assigned to the task force. A partner agency must

formally request to participate in the TFO BWC program and, upon approval, comply with all USMS policies, procedures, documentation, and reporting during their participation. The USMS will inform all partner agencies of which other partner agencies, if any, have been authorized to have their TFOs wear BWCs on the Task Force. Accordingly, all partner agencies should be aware that TFOs may be participating in the TFO BWC program and may be operating with BWCs on USMS task force operations in their agency's jurisdiction. TFOs whose parent agency is not approved for participation in the TFO BWC program are not allowed to deploy with BWCs on USMS missions. As of September 2021, DOJ law enforcement components are implementing BWC into their agency missions. Accordingly, all partner agencies should be aware that USMS and other DOJ law enforcement personnel may be operating with BWCs on USMS task force operations.

RECORDS, REPORTS, AND TESTIMONY: After the RFTF/VOTF has adopted a warrant, all investigative reports, evidence, and other materials generated, seized or collected by the RFTF/VOTF, relating to the fugitive investigation, shall be material within the custody and control of the RFTF/VOTF. Physical evidence, such as drugs, firearms, counterfeit credit cards, and related items may be released to the appropriate prosecuting agency. Records and information obtained during the RFTF/VOTF fugitive investigation are ordinarily not evidence and may not be released unless authorized by the Office of General Counsel (OGC). A participating agency may retain copies of RFTF/VOTF investigative reports, and other documents or materials, but they may be released only upon approval of the USMS (OGC), in consultation with the local U.S. Attorney's Office, if and as applicable. If an applicable state law mandates the release of records or reports pertaining to RFTF/VOTF activities, those documents may only be released after coordination with USMS OGC.

RFTF/VOTF records and documents will be maintained in USMS electronic records and/or paper case files. All investigative reporting will be prepared in compliance with existing USMS policy and procedures utilizing USMS case management systems. Every effort should be made to document investigative activities on USMS forms, such as USM-11s and USM- 210s. Reports should never contain information related to sensitive USMS programs that are deemed privileged and not subject to reporting. Task force statistics will be maintained in the USMS case management systems. Statistics will be made available to any participating agency upon request.

To the greatest extent possible, all communications regarding USMS task force operations should be conducted on USMS email accounts and USMS cellular devices (if issued to the TFO). If required as per policy, a TFO may complete parent agency investigatory forms pertaining to task force operations. However, copies of such investigatory forms will be provided to the task force's USMS supervisory personnel for inclusion in the relevant USMS case file. The USMS has an interest in reports documenting task force related investigations or activities prepared by a TFO on their parent agency form, and any task force related email or text exchanges done on a parent agency issued account or device. Accordingly, if a state open records request for task force records held on parent agency electronic systems or devices or in paper files is received by a TFO, and an applicable state records law mandates the disclosure of task force records, the

parent agency agrees to notify USMS of the request and coordinate with the USMS prior to any proposed disclosure.

Information that identifies, or tends to identify, a USMS confidential source, a USMS sensitive program, or the use of sensitive equipment/techniques will not be recorded on parent agency forms or parent agency issued devices and will not be released outside of the USMS unless approved by the Office of General Counsel (OGC). Absent exceptions noted below for discovery related purposes, information related to RFTF/VOTF activities will not be disseminated at any time to any third party (including a non-task force law enforcement officer or other law enforcement agency) by any task force member without notification to the RFTF/VOTF Chief Inspector/Chief Deputy or his/her designee, in consultation with USMS OGC where appropriate. This guidance applies to requests to share reports, memoranda, or other records (both formal and informal) compiled during the course of RFTF/VOTF operations. Nothing in this paragraph supersedes requirements pursuant to federal discovery obligations and/or the DOJ Touhy regulations, 28 C.F.R. § 16.21, et seq.

All requests for task force-related information, testimony (including any preparation in support) and documents (whether maintained in USMS systems and/or parent agency systems) in connection with state or federal litigation require compliance with the DOJ Touhy Regulations. Any disclosure of records pertaining to task force operations in state and federal litigation will only be done by or with the permission of the U.S. Attorney's Office (Civil Division) and the Office of General Counsel. The partner agency agrees TFOs receiving requests to testify in federal or state litigation regarding task force matters, or for the disclosure of records pertaining to task force matters in federal or state court, will notify the Office of General Counsel. The TFO will await authorization for such testimony or record disclosure prior to testifying, engaging in trial preparation with a prosecutor, and/or providing records, consistent with the DOJ Touhy regulations.

TFOs whose parent agency are properly onboarded to the USMS Body Worn Camera Program (BWCP) may wear parent agency issued BWC during certain USMS task force operations. TFOs are governed by the provisions set forth in the USMS TFO BWC Standard Operating Procedures and USMS Policy Directive 2.11, Body Worn Cameras. Any copy of TFO BWC recording shared with the USMS upon culmination of an enforcement action is deemed a federal record, subject to federal disclosure laws and DOJ policies. If a partner agency receives a request for TFO BWC footage pursuant to state records laws, that agency agrees to provide USMS with advance written notification of the request and proposed disclosure. Requests to the USMS for footage in connection with state or federal criminal prosecutions or civil litigation will be handled pursuant to the DOJ Touhy Regulations and/or applicable federal discovery rules and routed to the USMS Office of the General Counsel.

CONFIDENTIAL SOURCES / CONFIDENTIAL INFORMANTS: Pending the availability of funds, the USMS may provide funding for payment of Confidential Sources (CS) or Confidential Informants (CI). The use of CS/CIs, registration of CS/CIs and all payments to CS/CIs shall comply with USMS policy. USMS payment to an individual providing information

or “tip” related to a USMS offered reward on an active fugitive case shall be accomplished by registering the individual or “tipster” through the established USMS CS payment process.

USE OF FORCE: All members of the RFTF/VOTF will comply with their agencies' guidelines concerning the use of firearms, deadly force, and less-than lethal devices, to include completing all necessary training and certification requirements. All members of the RFTF/VOTF when operating on task force missions will adhere to the DOJ Policy Statement on the Use of Force, dated May 20, 2022, and the DOJ Policy Statement on the Use of Less-Than-Lethal Devices, dated May 16, 2011, and their parent agencies will review the Policy Statement to assure that they approve. Additionally, all members of the RFTF/VOTF when operating on task force missions will adhere to the DOJ Deputy Attorney General memorandum, dated September 13, 2021, prohibiting the use of chokeholds or carotid restraint techniques unless deadly force is authorized. Copies of all applicable firearms, deadly force, and less-than-lethal policies shall be provided to the RFTF/VOTF Chief Inspector/Chief Deputy and each concerned TFO. In the event of a shooting involving task force personnel, the incident will be investigated by the appropriate agency(s). Additionally, in the event of a shooting, the required reporting for the FBI National Use of Force Data Collection (NUOFDC) should be accomplished by the involved task force personnel's employing agency when the TFO is inside their primary/physical jurisdiction and by the USMS when the TFO is outside their employing agency's primary/physical jurisdiction. If the employing agency wishes to submit such NUOFDC entries regardless of the physical location of the event, that is allowed under this MOU with prior written notice to the USMS.

NEWS MEDIA: Media inquiries will be referred to the RFTF/VOTF Chief Inspector/Chief Deputy. A press release may be issued, and press conference held, upon agreement and through coordination with participant agencies' representatives. All press releases will exclusively make reference to the task force and participant agencies.

RELEASE OF LIABILITY: The Parties acknowledge that this MOU does not alter the applicable law governing civil liability, if any, arising from the conduct of personnel assigned to the RFTF/VOTF.

Each participating agency shall immediately notify the USMS Office of General Counsel of any civil, administrative, or criminal claim, complaint, discovery request, or other request for information of which the agency receives notice, concerning or arising from the conduct of personnel assigned to the RFTF/VOTF or otherwise relating to the RFTF/VOTF. Each participating agency acknowledges that financial and civil liability, if any and in accordance with applicable law, for the acts and omissions of each employee detailed to the RFTF/VOTF remains vested with his or her employing agency. If a civil claim or complaint is brought against a state or local officer assigned to the RFTF/VOTF, the officer may request legal representation and/or defense by DOJ, under the circumstances and pursuant to the statutes and regulations identified below.

For the limited purpose of defending against a civil claim arising from alleged negligent or wrongful conduct under common law under the FTCA, 28 U.S.C. § 1346(b) and §§ 2671-2680: an individual assigned to the RFTF/VOTF who is named as a defendant in a civil action as a

result of or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request to be certified by the U.S. Attorney General or his designee as having acted within the scope of federal employment at the time of the incident giving rise to the suit. 28 U.S.C. § 2679(d)(2). Upon such certification, the individual will be considered an “employee” of the United States government for the limited purpose of defending the civil claim under the FTCA, and the claim will proceed against the United States as sole defendant. 28 U.S.C. § 2679(d)(2). Once an individual is certified as an employee of the United States for purposes of the FTCA, the United States is substituted for the employee as the sole defendant with respect to any tort claims. Decisions regarding certification of employment under the FTCA are made on a case-by-case basis, and the USMS cannot guarantee such certification to any RFTF/VOTF personnel.

For the limited purpose of defending against a civil claim arising from an alleged violation of the U.S. Constitution pursuant to 42 U.S.C. § 1983 or *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971): an individual assigned to the RFTF/VOTF who is named as a defendant in a civil action as a result of or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request individual-capacity representation by DOJ to defend against the claims. 28 C.F.R. §§ 50.15, 50.16. Any such request for individual-capacity representation must be made in the form of a letter from the individual defendant to the U.S. Attorney General through the USMS Office of General Counsel. In the event of an adverse judgment against the individual, he or she may request indemnification from DOJ. 28 C.F.R. § 50.15(c)(4). Requests for DOJ representation and indemnification are determined by DOJ on a case- by-case basis. The USMS cannot guarantee the United States will provide legal representation or indemnification to any RFTF/VOTF personnel.

Liability for any conduct by RFTF/VOTF personnel undertaken outside of the scope of their assigned duties and responsibilities under this MOU shall not be the responsibility of the USMS or the United States and shall be the sole responsibility of the respective employee and/or agency involved.

EFFECTIVE DATE AND TERMINATION: This MOU is in effect once signed by all parties. Participating agencies may withdraw their participation after providing 30 days advanced written notice to the RFTF/VOTF Chief Inspector/Chief Deputy.

Task Force: MN-D VOTF

UNITED STATES MARSHAL:

Print Name: Eddie Frizell

Signature:

Date:

RFTF COMMANDER (where applicable):

Print Name: Fuller, Michael (USMS)

Signature:

Date:

PARTNER AGENCY:

Name: St. Paul Police

Location (City, State): St. Paul, MN

PARTNER AGENCY REPRESENTATIVE:

Print Name and Title: Jack Serier, Assistant Chief

Signature:

Date:

Print Name and Title: Jaime Tincher, Deputy Mayor

Signature:

Date:

Print Name and Title: John McCarthy, Director Office of Financial Services

Signature:

Date:

Print Name and Title: Judy Hanson, Assistant City Attorney

Signature:

Date:

ASSISTANT DIRECTOR, INVESTIGATIVE OPERATIONS DIVISION:

Print Name:

Signature:

Date:

COUNTERPARTS: The parties may sign this Agreement in counterparts, each of which constitutes an original, but all of which together constitute one instrument.

ELECTRONIC SIGNATURES: The parties agree that the electronic signature of a party to this Agreement shall be as valid as an original signature of such party and shall be effective to bind such party to this Agreement. The parties further agree that any document (including this Agreement and any attachments or exhibits to this Agreement) containing, or to which there is affixed, an electronic signature shall be deemed (i) to be "written" or "in writing," (ii) to have been signed and (iii) to constitute a record established and maintained in the ordinary course of business and an original written record when printed from electronic files. For purposes hereof, "electronic signature" also means a manually signed original signature that is then transmitted by any electronic means, including without limitation a faxed version of an original signature or an electronically scanned and transmitted version (e.g., via PDF) of an original signature. Any party's failure to produce the original signature of any electronically transmitted signature shall not affect the enforceability of this Agreement.

Addendum to Fugitive Task Force Memorandum of Understanding
RE: Body-Worn Camera Use by Task Force Officers

This Addendum supplements the current Memorandum of Understanding (MOU) between the United States Marshals Service (USMS) and the

St. Paul Police

(Hereinafter referred to as “Partner Agency” or “TFO parent agency”)

Pursuant to the “U.S. Marshals – Body Worn Camera Interim Policy,” dated May 17, 2022, and any successor USMS Body Worn Camera Policy Directive (hereinafter referred to as “USMS Policy”), the above-named Partner Agency has advised the USMS that it will require its Specially Deputized Task Force Officers (TFO) assigned to the USMS Task Force to use body worn cameras (BWCs). This Addendum governs that use.

The parties hereby agree to the following:

- I. The Partner Agency and their TFOs will be advised of and adhere to the USMS Policy, USMS’s Standard Operating Procedures for Body-Worn Camera Program for Task Force Officers, and other applicable federal and USMS policies, procedures, regulations, and laws.
- II. The Partner Agency confirms that prior to executing this agreement, it has provided to the USMS details regarding the BWC system and cameras, including the details of any system protections, and any state or local policies or laws applicable to the TFOs’ use of BWCs, including any retention policies, and training and access procedures.
- III. TFOs will follow the provisions set forth in this agreement for use of BWCs. Absent an express conflict with state law or partner agency policy, the provisions in this agreement control TFO use of parent-agency issued BWCs on USMS task force operations.
- IV. Use of BWCs During USMS Task Force Operations:
 - A. TFOs may use **only** Partner Agency-issued and Partner Agency-owned BWCs.
 - B. TFOs will be allowed to wear and activate their BWCs for the purposes of recording their actions during USMS Task Force operations only during:
 1. A planned attempt to serve an arrest warrant or other planned arrest; or,
 2. The execution of a search warrant.

- a. For the execution of a search warrant, BWCs should not be used for searches of property lawfully in government custody or control, or a search to obtain digital or electronic records executed by a third party, such as an electronic service provider or custodian of electronic records.
- C. TFOs are authorized to activate their BWCs upon approaching a subject or premises and must deactivate their BWCs when the scene is secured as determined by the USMS Task Force Supervisor or Team Leader on the scene.
1. For purposes of this agreement, the term “secured” means the scene is safe and under law enforcement control.
 2. In the event circumstances arise requiring additional law enforcement assistance to secure the scene, the TFO will end BWC recording when relieved from the scene by another law enforcement officer.
- D. Unless parent agency BWC policy and/or state law conflicts, TFOs are authorized to wear and activate recording equipment, in accordance with USMS Policy, anywhere they are authorized to operate under the scope of their USMS TFO deputization (to include on enforcement actions crossing jurisdictional boundaries). Where parent agency BWC policy and/or state law conflicts with the USMS activation and deactivation parameters, TFO’s will follow the provisions in Appendix A that identify how to properly mark sections of a recording to ensure that the USMS task force operation captured on footage is easily identifiable. This will prevent the ingestion of non-task force related footage into the USMS video retention solution and allow USMS to promptly respond to requests for BWC footage.
- E. In the event a TFOs’ BWC is not working or is inoperable due to a technical problem or cannot be used due to physical damage, the TFO may participate in the operation without using a BWC if that continued participation is consistent with the Partner Agency policy.
- F. Even when BWC use would be permissible in the circumstances set forth in Section IV, subsection B, above, TFOs are prohibited from recording:
1. Undercover or covert personnel and locations;
 2. Confidential informants or confidential sources;
 3. On-scene witness interviews prior to or after the operation; or
 4. Actions by any non-law enforcement persons at the scene who are assisting law enforcement personnel prior to or after the operation.

- G. Even when BWC use would be permissible in the circumstances set forth above in Section IV, subsection B, TFOs are prohibited from activating their BWC if, as determined by the USMS, the TFO is:
 - 1. Using specialized or sensitive investigative techniques;
 - 2. Operating as part of a highly specialized or sensitive operation or group;
 - 3. Operating in a sensitive area; or
 - 4. Working in an undercover or covert status on behalf of the USMS Task Force or the USMS itself

- H. Even when BWC use would be permissible in the circumstances set forth above in Section IV, subsection B, subject to the discretion of the USMS, TFOs generally shall not use BWCs to record any activities related to investigations involving:
 - 1. Public Corruption;
 - 2. Medical Facilities;
 - 3. National Security (including international and domestic terrorism investigations or cases involving classified information); or
 - 4. Other sensitive investigations as determined by the USMS.

V. Partner Agency Internal Controls:

- A. For purposes of this agreement, the term “TFO BWC recordings” refers to audio and video recording(s), and associated metadata, from TFO BWCs made while the TFO is working under federal authority, including when executing state and local warrants adopted by the USMS.
- B. The Partner Agency will provide and maintain central points-of-contact (POC), at a minimum two POCs, a primary and secondary, for the USMS on BWC matters. The Partner Agency will notify the USMS of any change to the POCs.
- C. The Partner Agency will notify the USMS of any change in state or local law or policy that will modify how TFOs must use BWCs and handle recordings.
- D. The Partner Agency will notify the USMS prior to making any change in agency policy that will affect the MOU Addendum or the storage, transfer, or redaction of TFO BWC recordings.
- E. The Partner Agency will provide specifications to USMS personnel on the BWC capabilities and operation.
- F. If applicable, the Partner Agency will restrict access to any TFO BWC GPS and/or livestream capability as required by the USMS.

VI. Handling of TFO BWC Recordings Made During USMS Task Force Operations:

- A. After a Task Force Operation, the TFO will upload any BWC footage into the Partner Agency's video retention system (VRS) and share a copy of that footage with the USMS. All copies of TFO BWC recordings made during federal Task Force Operations and shared with the USMS via the USMS VRS shall be deemed federal records of the DOJ/USMS pursuant to the Presidential and Federal Records Act Amendments of 2014 (Pub. L. No. 113-187, enacted November 26, 2014), and subject to federal disclosure rules and regulations, including the Freedom of Information Act (FOIA, 5 U.S.C. § 552) and Privacy Act of 1974. The original footage that remains in the custody of the Partner Agency shall not be disseminated by the TFO or TFO Partner Agency without advance written notification to the USMS of the intention to do so as soon as practicable

- B. The Partner Agency will provide full, unredacted, duplicate copies of TFO BWC recordings to the USMS for all activations that record data of USMS Task Force- related Operations. The existence of TFO BWC recordings relating to a USMS Task Force Operation must be recorded in the USMS authorized record system. Additionally, an unredacted copy of any recording to be released by the TFO Partner Agency shall be provided to the USMS prior to said release.

- C. The Partner Agency is authorized to use the original TFO BWC recordings for internal review of its personnel consistent with the Partner Agency's policies and procedures but may not disseminate the BWC recording outside the Partner Agency or publicly release the footage without advance written notification to the USMS. The Partner Agency's original TFO BWC recording is subject to the relevant state open records laws and state retention requirements.

- D. The Partner Agency will notify the USMS immediately of any unauthorized access to TFO BWC recordings discovered by the Partner Agency. The Partner Agency will cooperate fully with the USMS in the investigation of any unauthorized access to or disclosure of TFO BWC recordings, including providing the USMS with the name(s) of any Partner Agency personnel determined by the Partner Agency to be involved in unauthorized access, copying, or disclosure.

- E. In all circumstances, TFO BWC recordings shall be treated as law enforcement sensitive information. The premature disclosure of these recordings could reasonably be expected to interfere with enforcement proceedings. TFO BWC recordings may be potential evidence in a federal investigation subject to applicable federal laws, rules, and policy concerning disclosure or

dissemination and therefore are deemed privileged, absent appropriate redaction prior to disclosure or dissemination. Further, BWC recordings may be entirely exempt from public release or other disclosure or dissemination under applicable federal and state laws, rules, and policy.

F. If a TFO BWC recording involves a “reportable incident,” as defined below, or involves another time-sensitive or urgent situation, the Partner Agency will provide the USMS access to copies on an expedited basis, including during non-business hours.

1. For purposes of this provision, “reportable incident” means:

- a. shooting incident;
- b. any incident which involves serious bodily injury, death, or where any enforcement action by USMS personnel resulted in the use of force or deadly force;
- c. physical assault or attempted physical assault on a Law Enforcement Officer; and
- d. intentional damage to any facility, conveyance, or other property owned by USMS.

G. The Partner Agency will provide witnesses, as needed, to authenticate TFO recordings in litigation.

H. The Partner Agency will inform the USMS of the length of time TFO BWC recordings will be retained by the Partner Agency before deletion.

I. The Partner Agency will notify the USMS in writing as soon as possible regarding any request or demand for release or disclosure of TFO BWC recordings. In all circumstances, TFO BWC recordings may only be disseminated in accordance with the requirements contained within this MOU addendum.

J. Expedited Public Release: If TFO BWC recording(s) depict conduct committed solely by a TFO resulting in serious bodily injury or death of another, the TFOs’ Partner Agency shall notify the USMS as early as possible if it desires to publicly release the recording(s). Following the notification, the TFO’s Partner Agency may immediately release the recording(s) with any redactions as appropriate, giving as much advance notice as possible to the USMS as to the time and manner of its release. The USMS will expeditiously review the recording(s) as soon as practical.

1. The notification to the USMS shall be made to the local United States Marshal or the Regional Fugitive Task Force (RFTF) Commander

which supervises the Task Force on which the TFO serves. Additionally, those personnel will notify the Assistant Director (AD) of the USMS Investigative Operations Division (IOD). The local U.S. Marshal and/or RFTF Commander and AD, IOD will provide further notifications within the USMS as appropriate.

- K. An USMS enforcement action or incident may require additional support from law enforcement officers with the Partner Agency. In the event those assisting law enforcement officers have BWCs, any captured video from those cameras will be made available by the Partner Agency to the USMS upon request.

- VII. The USMS will ensure that all USMS Task Force partner agencies are informed of which other partner agencies, if any, mandate BWC use by their respective TFOs and are authorized to have their TFOs wear BWCs on the USMS Task Force.

- VIII. If the Partner Agency fails to comply with any part of this Addendum, the relationship established under the Task Force Memorandum of Understanding may be immediately terminated.

PARTNER AGENCY:

Name: St. Paul Police

Phone:

Location: St. Paul, MN

PARTNER AGENCY REPRESENTATIVE:

Print Name and Title: Jack Serier, Assistant Chief

Signature:

Date:

ADDITIONAL SIGNATURE (OTHER EXTERNAL REPRESENTATIVE) –OPTIONAL:

Print Name and Title: Jaime Tincher, Deputy Mayor

Signature:

Date:

ADDITIONAL SIGNATURE (OTHER EXTERNAL REPRESENTATIVE) –OPTIONAL:

Print Name and Title: John McCarthy, Director Office of Financial Services

Signature:

Date:

ADDITIONAL SIGNATURE (OTHER EXTERNAL REPRESENTATIVE) –OPTIONAL:

Print Name and Title: Judy Hanson, Assistant City Attorney

Signature:

Date:

UNITED STATES MARSHAL:

Print Name: Eddie Frizell

District: MN-D VOTF

Signature:

Date:

Note: Signed Addendum MUST be submitted to the Investigative Operations Division with other required documentation to obtain authorization for participation in the TFO BWC Program prior to TFO deploying with BWCs on USMS operations. The executed Addendum should be retained locally with the executed USMS Fugitive Task Force MOU.

COUNTERPARTS: The parties may sign this Agreement in counterparts, each of which constitutes an original, but all of which together constitute one instrument.

ELECTRONIC SIGNATURES: The parties agree that the electronic signature of a party to this Agreement shall be as valid as an original signature of such party and shall be effective to bind such party to this Agreement. The parties further agree that any document (including this Agreement and any attachments or exhibits to this Agreement) containing, or to which there is affixed, an electronic signature shall be deemed (i) to be "written" or "in writing," (ii) to have been signed and (iii) to constitute a record established and maintained in the ordinary course of business and an original written record when printed from electronic files. For purposes hereof, "electronic signature" also means a manually signed original signature that is then transmitted by any electronic means, including without limitation a faxed version of an original signature or an electronically scanned and transmitted version (e.g., via PDF) of an original signature. Any party's failure to produce the original signature of any electronically transmitted signature shall not affect the enforceability of this Agreement.



SAINT PAUL
MINNESOTA

SAINT PAUL POLICE DEPARTMENT
AXEL C. HENRY, CHIEF OF POLICE

367 Grove Street
Saint Paul, Minnesota 55101
Tel: 651-266-5588 | Fax: 651-266-5542

October 10, 2023

Marshal Eddie Frizell,

The purpose of this correspondence is to formally request that our Federally Deputized Task Force Officers, herein referred to as TFOs, be permitted to operate their department issued Body Worn Cameras during enforcement operations conducted in support of the North Star Fugitive Task Force. The operation of Body Worn Cameras (BWCs) will be conducted in accordance with the guidelines and provisions outlined in the United States Marshals Service (USMS) Policy, the United States Marshals Service (USMS) "Standard Operation Procedures" and other applicable USMS policies and procedures.

It is understood a formalized process has been established to facilitate this request including but not limited to the execution of a USMS Fugitive Task Force Memorandum of Understanding (MOU) Addendum in addition to ensuring the appropriate infrastructure is in place. This agency is looking to our future partnership in this endeavor. Should you have any questions or concerns please feel free to contact us.

Respectfully,

John G. Serier II
John G. Serier II (Oct 10, 2023 13:21 CDT)

Jack Serier
Assistant Chief of Police



U.S. MARSHALS

Body Worn Camera Program

TFO BWC MOU ADDENDUM

Appendix A

The following is controlling guidance for situations that may affect a Task Force partner agency regarding the TFO (Task Force Officer) BWC (Body Worn Camera) MOU (Memorandum of Understanding) Addendum. This guidance is issued by the United States Marshals Service (USMS) Body Worn Camera Program (BWCP) and USMS Office of General Counsel (OGC):

- **Review Boards/Other Public Dissemination:** If an agency is under a consent decree or otherwise required by statute, law, or agreement to disclose BWC footage to a review board, that entity and their access to the agency BWC and the qualifying events or incidents that are the subject of the agreement will be described in a letterhead memo that the USMS will keep in the BWC MOU tracking system. The memo should include the timeline for that board to receive the footage, if their access to an agency BWC Video Retention System is direct or indirect, and whether the review board has independent/unilateral public disclosure authority. This information will assist the USMS OGC in determining what timeline they may be under to perform agency review if a qualifying incident occurs where TFO and/or USMS BWC footage has been recorded.
- **State Law/Agency Policies:** If state law or qualifying agency policy requires recording outside the parameters of USMS TFO BWC MOU Addendum, the agency will provide that information and a copy of the policy to the USMS BWCP. Any recording of events outside of the TFO enforcement action (i.e., medical facilities, prisoner transport) should be separated if possible. This separation can be achieved by deactivating the recording of the TFO BWC prior to re-activation of recording upon the start of a USMS enforcement action, and/or deactivating the recording of the TFO BWC when a scene is concluded and secure. The TFO can then reactivate recording when the officer is operating under their agency policy alone for a non-TFO agency responsibility. When separate recording(s) are possible, the USMS will receive only the enforcement BWC recording. If deactivation and reactivation of recording are not feasible or are not permitted by state law or parent agency policy, the entire recording will be shared with USMS with the understanding that USMS will, if necessary, redact the entire portion of any recording that shows the TFO performing an agency duty where they are not operating under the USMS Task Force (TF) MOU parameters for enforcement actions. If a partner agency TFO BWC has the technical capability to apply a marker during a recording, the TFO will apply the marker at the beginning and end of the enforcement action, if feasible. The TFO or designated group within the partner agency is responsible for sharing and uploading of their BWC recordings into the USMS Video Retention System (VRS).
- **Short term operations:** Any partner TF agency not covered by an existing executed USMS TFO BWC MOU Addendum and any non-partner state, local, federal, or tribal agency are authorized to utilize their BWC during a USMS short term operation or USMS led national initiative after agreeing to share any BWC footage obtained during the operation with the USMS upon request. Any BWC footage of a critical incident such as an Officer Involved Shooting or other use of force leading to death will be shared as soon as possible after the incident. Other footage will only be requested if the USMS has a mission-related requirement that can only be supported by receipt of the BWC recording from the BWC agency. Short term operations are defined for the purpose of this Appendix as USMS Enforcement related operations where a Special Deputization is issued or mass Special Deputizations are performed. These include, but are not limited to, Operation Washout, Operation Triple Beam, USMS National Initiatives for Enforcement, and any DOJ directed initiative that is enforcement-oriented and led by the USMS.

442.18 Body Worn Camera Policy

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INTRODUCTION

This General Order provides guidelines for the Saint Paul Police Department (SPPD) Body Worn Camera (BWC) system. This includes use of the BWC system, storage and retention, and review and dissemination of data. General Order 442.17 governs the In-Car Camera System (ICC). The rights and requirements of Minnesota Statutes section 13.825 are incorporated by reference into this policy and personnel should review and follow the current statute when there are policy conflicts or questions. ([MN Statute 13.825](#))

SECTION 1. DEFINITIONS

- A. Axon - The vendor selected by the department to provide BWCs and evidence.com, a cloud-based system for uploading, managing and storing BWC data.

- B. Activate - To manually begin recording. Department BWCs do not automatically record. Officers must intentionally start the recording. If the camera is powered on prior to the activation of recording, it will create a 30-second buffer of video only.
- C. BWC Quality Control Sergeant - Sergeant assigned to the technology unit responsible for auditing BWC use to confirm compliance with the requirements of this policy. General Order 442.19 governs the Quality Control Process.
- D. Buffer - A vendor-configured component of the BWC that records 30 seconds of video only, without audio, prior to a BWC activation. The buffer records only when the BWC is powered on. Audio recording begins when an officer activates recording.
- E. BWC Data - Audio and/or video data as defined by Minnesota Statute 13.825 collected by a department BWC.
- F. BWC Data Technicians - Video management unit (VMU) and closed-circuit television (CCTV) staff trained in the operational use of BWCs, data copying methods, data storage and retrieval methods and procedures, and who possess a working knowledge of video forensics, evidentiary procedures and the MGDPA.
- G. BWC Modes of Operation [Off, On-Buffering, On-Recording]
 - 1) Off - The switch of the BWC is in the off position, indicated by the switch positioned towards the outside of the camera with no orange mark visible. The camera does not buffer or record in the off mode.
 - 2) On - Buffering. The switch is positioned towards the center of the camera. An orange mark is visible. The camera is powered on, in standby mode, and buffering in a 30-second loop. The buffer records video only, no audio. The camera must typically be worn in the on-buffering position.
 - 3) On - Recording. The BWC has been activated by the officer to record. Audio joins the buffer at the point the BWC is activated by the officer. Recording continues until the officer stops recording by returning the BWC to on-buffering mode or by turning the BWC off.
- H. Categories - Labels given to BWC Data relating to predetermined retention schedules:

- 1) Misc./Equip Maint./ Training
 - 2) Civil/ Morgan Plan
 - 3) General Citizen Contact
 - 4) Traffic Stop (Non-Arrest)
 - 5) Squad Accident / AWI
 - 6) Vehicle Pursuit
 - 7) Arrest / Evidence / RRA
 - 8) CSC
 - 9) Investigation of a Death/Admin Hold
- I. Critical Incident - Defined by General Order 246.09: Investigations - Incidents Where Serious Injury or Death Result during Police Custody in Involvement.
- J. Deactivate - to stop recording.
- K. Discretionary recording - when officers have the discretion to activate their BWC.
- L. Evidence.com - A cloud-based system provided by Axon to upload, manage and store BWC data. Accounts, permissions and roles within evidence.com are administered by the technology unit.
- M. ICC – In-Car Camera - See General Order 442.17.
- N. Inventory control - The process whereby a BWC is issued to a specific officer and a collection of spare cameras is maintained. The radio shop will manage the overall inventory of all department BWCs and docking stations. The designated district or unit administrative sergeant is responsible for BWCs assigned to their district or unit and must report district BWC inventories to the radio shop.
- O. MGDPA - Minnesota Government Data Practices Act defined by Minnesota State Statute chapter 13.

- P. Memorandum of Understanding (MOU) – An agreement outlining the terms and conditions of any assignment or deputizing of Saint Paul Officers to a federal task force.

- Q. Metadata - Information related to BWC data. This includes the date, time, case number, and name of the officer to whom the camera is assigned. Metadata also includes categorization of the video, which sets video retention. Officers may also add optional searchable notes as metadata.

- R. Mandatory Recording - When the BWC must be activated under this policy.

- S. Mute - Using the capability of the BWC to stop audio recording while continuing to record video.

- T. Officer - the term officer is used generically throughout this policy for ease of reference. For unity of purpose it is important to note that within this policy “officer” refers to all sworn members of the Saint Paul Police Department who are issued a camera or authorized to wear one and who have been properly trained in its use.

- U. Prohibited recording - When an officer is prohibited from recording under this policy. A recording may be prohibited in a situation (i.e.: interacting with a CSC victim) or in a physical location (i.e.: in a police facility). Inadvertent prohibited recordings will be managed by the video management unit.

- V. Raid Gear Uniform - See General Order 202.04 Non-Uniformed Personnel-Classes and Rules.

- W. Task Force Officer- A St. Paul Police officer assigned to a federal law enforcement agency as a federally deputized task force officer.

- X. Technology Unit Commander - Oversees the technical aspects of the BWC program. This includes but is not limited to oversight of evidence.com, the video management unit, technology updates related to BWCs, Quality Control Process, as well as working with the Training Commander to ensure proper ongoing training of all officers assigned BWCs.

Y. Temporary Tactical Uniform: See General Order 202.04 Non-Uniformed Personnel-Classes and Rules.

Z. Training Unit Commander - Works with the Technology Unit Commander to ensure proper and ongoing training of officers related to BWCs.

AA. Video Management Unit (VMU) - Led by a sergeant and assigned under the technology unit. Responsible for BWC/ICC/CCTV data. Staffed with Data Release Technicians who possess a working knowledge of video forensics and evidentiary procedure. This unit will have responsibility for all BWC data released.

SECTION 2. OVERVIEW

This policy sets out guidelines governing the use of BWCs and administration of BWC Data. Compliance with this policy is mandatory. This policy recognizes that officers must also attend to other primary duties and the safety of all concerned, sometimes in circumstances that are tense, uncertain and rapidly evolving.

BWC Data may be used for law enforcement purposes, internal review and use pursuant to this policy, or public access pursuant to the MGDPA and Minnesota Statutes section 626.8473.

SECTION 3. OPERATIONAL OBJECTIVES.

Operational objectives include the list below:

- Use of best practices in the rapidly evolving field of law enforcement
- Enhance officer and public safety
- Enhance officers' ability to document and review statements and actions for reporting requirements and for courtroom preparation
- Promote transparency, accountability, and build community trust
- Collect evidence for use in criminal investigations and prosecutions
- Deter criminal activity and uncooperative behavior
- Aid in the documentation of statements and events during the course of an incident
- Provide additional information for training
- Assist in the investigation and reviewing of complaints

SECTION 4. ISSUANCE OF BODY-WORN CAMERAS (BWCs)

As determined by the Chief of Police, BWCs will be issued to all sworn officers.

SECTION 5. BWC USE BY OFFICERS

Officers must use the device according to this policy and as trained, and may not interfere with the proper functioning of the BWC. All sworn Officers are required to wear the BWC as described in this policy. Only Department issued and maintained body worn cameras may be used by officers.

A. Working on-duty, regular or overtime.

Officers must wear their BWC as part of the uniform when working on-duty (regular or overtime) and wearing the uniform of the day as defined by General Order 202.03 or raid gear or temporary tactical gear as defined by General Order 202.04.

B. Working off-duty in a uniform.

Officers must wear their BWC as part of the uniform when working off-duty in the uniform of the day as defined by General Order 202.03 or raid gear or temporary tactical gear as defined by General Order 202.04.

C. Plain clothes officer.

The supervisor of a plain clothes or undercover officer may dictate whether an on-duty officer will use a BWC when working in plain clothes. An officer in a plain clothes or undercover assignment must use an issued BWC when wearing the uniform of the day, raid gear or temporary tactical gear.

D. Task Force Officers

All St. Paul Police Officers assigned to a task force with federal law enforcement agencies are required to wear a BWC pursuant to G.O. 442.18, whether acting under authorization of their deputation or as a SPPD officer.

The Chief of Police or his/her designee may grant exemptions to this requirement. Additionally, Ordinance Disposal Unit (Bomb Squad) personnel are exempted from wearing a BWC over their protective gear when performing Bomb Squad functions under G.O. 463.01.

SECTION 6. INVENTORY CONTROL

The radio shop will manage the department inventory of BWC devices. The district or unit administrative sergeant will work with the radio shop for accurate accounting of BWCs assigned to district or unit personnel.

SECTION 7. BWC TESTING AND MECHANICAL FAILURES

Officers wearing a BWC must test the functioning of the BWC in accordance with their training at the beginning of each shift. Officers may not wear a BWC that fails the daily test. If an officer becomes aware of a BWC malfunction during their shift, they must exchange the BWC as soon as practically possible.

Regardless of whether a malfunctioning BWC is believed to contain evidence, all BWCs requiring repair must be treated as if they contain evidence. Malfunctioning BWCs will be turned into the property room. Officers with a malfunctioning BWC will:

- Contact a supervisor to facilitate obtaining a new BWC from the spares available to their district or unit.
- The supervisor will ensure that the new BWC is assigned to the officer in the Axon evidence.com system.
- The malfunctioning camera will remain assigned to the officer until all data has been uploaded from the malfunctioning camera as part of the repair process.

- Create a separate case number for Service to Body Camera (SBC).
- Complete an original report under the SBC case number describing:
 - The malfunctioning BWC serial number.
 - The new BWC serial number.
 - A brief description of the malfunction.
 - Whether the malfunctioning BWC is known or believed to contain data.
- Turn the malfunctioning BWC into a property locker or the property room following the same procedures applicable to all other evidence as outlined in General Order 439.02.

SECTION 8. BWC MOUNTS AND WEARING THE BWC

A. Mounts

- a. Officers shall wear the BWC using one of the mounts provided by the department or available for purchase from Axon.com/buy.
- b. Two magnetic mounts and a Z-clip mount are issued with the BWC. Officers may replace damaged or lost mounts or purchase additional at Axon.com/buy after creating an account at Axon.com/buy.
- c. Mounts which have been damaged during the course of duty may be reimbursed per General Order 202.08.
- d. Officers wishing to order additional mounts beyond the magnetic and Z-clip mounts will be reimbursed for up to 3 mounts per year from any available funds in the officer's uniform allowance.

B. Wearing the BWC

- a. Officers must wear their BWC above the midline of their torso, facing forward, and unobstructed by any equipment or clothing (jacket, traffic vest, etc.). Officers shall not allow anything to obstruct the view of their BWC. Those officers issued the Axon Flex camera will mount the camera in accordance with their training, the camera facing forward to replicate the direction and view of the torso-mounted cameras.
- b. BWCs must only be used for their intended operational objectives. During such use, it may be advantageous to temporarily remove the camera, including when

clearing a corner or attic or some other legitimate purpose. Any use of a BWC other than on an officer's uniform should be documented in a police report, or if a report is not otherwise necessary, CAD comments or citation notes.

SECTION 9. MANDATORY, DISCRETIONARY, AND PROHIBITED RECORDING

A. Mandatory Recording

Understanding that officers encounter tense, uncertain, and rapidly evolving situations, officers must activate their BWC at their earliest opportunity and before arriving on scene when recording is required by this policy.

Activating a BWC early, before an officer arrives on scene, allows an officer to safely turn on the BWC before reacting to or dealing with the circumstances of a particular call, incident, investigation or event. This also helps document important information from a view closer to that of the officer's perspective. Therefore, officers must activate their BWCs when preparing for or initiating any law enforcement action, when responding to any call or incident, and before arriving on scene in the following circumstances and conditions:

- When an officer is dispatched to or investigating any call or incident.
- When an officer is assisting another officer at a call or incident.
- When an officer is participating in any of the following police actions:
 - Any vehicle stop including traffic and investigative stops.
 - Vehicle pursuits.
 - Investigative stops of individuals.
 - Initiating any arrest.
 - All frisks and searches (e.g., suspect, vehicle, structure, physical area).
 - All strip searches must be conducted in accordance with General Order 409.08 and will only be audio recorded with the BWC.
 - When encountering or responding to resistance or aggression. See General Orders 246.00, 246.01.
 - When any situation becomes adversarial, including situations which are either verbally or physically adversarial
 - In-custody transports.

- Suspect interviews in the field, including in-custody interviews occurring in the field when the Miranda warning is required.
- When directed by a supervisor.
- While operating a vehicle under General Order 444.01 Emergency Runs.

If an officer is at a location or in any situation where an event occurs or develops where this policy mandates recording and their BWC is not already activated, the officer must activate the BWC as soon as activation is possible and safe.

B. Discretionary Recording

This policy does not describe every possible situation where the BWC may be activated. Beyond the mandated scenarios described above, an officer may activate the BWC when they believe it should be activated based on their training, experience, and judgement, except when recording is prohibited under this policy. If an officer is involved in a situation and they are unsure if the activation is mandatory, discretionary or prohibited, they should activate the BWC.

C. Prohibited Recording

- Interactions solely among other department employees when not actively investigating or assigned to a call or incident.
- Non-work-related activity.
- Within areas of a police facility restricted to personnel-only access, including roll call rooms, locker rooms, break rooms, and report rooms. BWCs should only record citizen contacts inside a police facility if relevant to an investigation or to comply with the Mandatory Recording situations described in this policy.
- When interacting with undercover officers or confidential informants, or persons providing information based on confidentiality, unless necessary for a law enforcement investigation or to comply with the Mandatory Recording situations described in this policy.
- During a work break.
- At any location where a reasonable expectation of privacy exists, such as a bathroom or locker room, unless necessary for a law enforcement investigation or to comply with the Mandatory Recording situations described in this policy.
- In patient care areas of a hospital, sexual assault treatment center, or other healthcare facility unless necessary for a law enforcement investigation or to comply with the Mandatory Recording situations described in this policy.

This policy recognizes that officers encounter tense, uncertain, and rapidly evolving situations regardless of location. Given this fact, officers may unintentionally create a prohibited recording or may intentionally record to comply with the Mandatory Recording

requirements of this policy. The VMU will manage all data recorded in scenarios which this policy prohibits.

Officers who are aware an undercover officer has been recorded on a BWC shall email the VMU with specific information at SPPD-VMU@ci.stpaul.mn.us. UC officers include those assigned to the narcotics unit, SIU, FBI Safe Street task force, etc.

Officers may also communicate any other information to the VMU regarding prohibited recordings or other BWC information by e-mail.

D. Victim or witness interviews must also be recorded, unless the officer becomes aware of the following:

- The identity of a victim or witness is protected by the MGDPA. Individuals whose identities are protected under the MGDPA include victims or alleged victims of criminal sexual conduct or sex trafficking.
- An officer may deactivate recording to protect the identity of someone afforded protection under the MGDPA, provided the request does not conflict with any other Mandatory Recording requirement under this policy.
- A victim or witness has requested the officer deactivate recording, provided the request does not conflict with any other Mandatory Recording requirement under this policy.

Officers should consider the totality of the circumstances before deactivating recording and determine the best approach for a particular circumstance. For example, deactivation may be the best option if the situation is not adversarial and a BWC inhibits a victim or witness from providing information. Nothing precludes an officer who has deactivated recording under these circumstances from reactivating it should mandatory recording circumstances emerge, or the officer chooses to reactivate recording in their discretion.

Deactivation under these circumstances must be documented in an incident report, or if no incident report is otherwise required it must be documented in CAD comments.

This policy recognizes officers cannot or will not always know of or have time or opportunity to account for protections afforded under the MGDPA. An officer may also intentionally record an individual with MGDPA protections, or any witness or victim who has requested recording be deactivated, in order to comply with other sections of this policy. Compliance with the other Mandatory Recording requirements under this policy is the higher priority.

The VMU provides the final review to ensure appropriate management of data and compliance with the MGDPA.

Officers may communicate any information to the VMU regarding witness/victim recordings or BWC information by e-mail at SPPD-VMU@ci.stpaul.mn.us.

SECTION 10. FAILURE TO RECORD

Officer and public safety are the department's highest priorities. If an officer is unable to activate his or her BWC before one of the mandatory recording scenarios described in this policy, the BWC must be activated as soon as it is possible and safe.

Facts surrounding a failure to record must be reported to a supervisor and documented in an incident report, or if no incident report is required it must be documented in CAD comments. The supervisor notification should be made prior to the officer clearing the call, unless exigent circumstances exist. The officer must also submit a BWC self-reporting form prior to clearing the call, unless exigent circumstances exist. This form will record information about situations involving a failure to record and delayed activations.

If an officer is involved in a critical incident and they were unable or failed to record a mandatory record incident, any stated reason for the failure to record will be documented by an investigator assigned to the incident.

Officers involved in a critical incident who are not required to write a report are encouraged to provide any information as to their inability or failure to activate the BWC to the investigator under procedures outline in [General Order 246.09 Critical Incident Policy, Responsibilities of Involved Employees](#).

SECTION 11. MUTING

Transparency is a critical component of the trust and partnership that the St Paul Police Department maintains with our community. As such, muting is not authorized.

SECTION 12. WHEN RECORDING MAY BE DEACTIVATED

The rights and requirements of Minnesota Statutes section 13.825 are incorporated by reference into this policy and personnel should review and follow the current statute when there are policy conflicts or questions. ([MN Statute 13.825](#))

Once activated, the BWC must remain on-recording until the incident has concluded; meaning it is reasonable to believe that all arrests are made, arrestees transported, and suspect interviews are completed, unless or until:

- 1) The incident or event is of such duration that recording is deactivated to conserve power or storage capacity and the officer is not directly involved in activity relating to the incident or event.
- 2) In a Critical Incident, the supervisor has ordered deactivation – As per G.O. 246.09 Critical Incidents.
- 3) Deactivation is reasonable and necessary to protect the safety of the officers or others.

- 4) Deactivation is approved or ordered by a supervisor.
- 5) BWCs may be deactivated during non-enforcement activities, such as waiting for a tow truck or protecting accident scenes.
- 6) At search warrant scenes, the cameras may be deactivated once the entry is complete and the scene is safe. This deactivation can **only** occur after all occupants are removed from the warrant location. If removing all occupants is not possible or reasonable, at a minimum the cover officer(s) will have their BWC on. The remaining searching officers may deactivate their BWC's. The BWC does not replace the officer's obligation for photographs of the warrant scene, highlighted under policy 447.

An officer's decision to deactivate recording in a situation that would otherwise be recorded under this policy must be documented verbally on the camera before deactivation. That decision must also be noted in an incident report, or if no incident report is otherwise required the decision must be documented in CAD comments. The report or CAD comments must include factors considered in the decision to deactivate the camera off.

BWCs may also be deactivated after the officer has arrived on scene, assessed and stabilized the call, and if the officer reasonably believes there is no longer necessary audio or visual evidence to capture and that none of the circumstances requiring activation will likely occur.

Nothing in this section is intended to discourage an officer from recording during non-enforcement situations when in his or her judgement the recording may be beneficial.

SECTION 13. WEARING A BWC INSIDE A COURT BUILDING

The rights and requirements of Minnesota Statutes section 13.825 are incorporated by reference into this policy and personnel should review and follow the current statute when there are policy conflicts or questions. ([MN Statute 13.825](#))

Ramsey County District Court order dated February 17, 2017, states that "Only law enforcement personnel may have body cameras in a courtroom. These Electronic Devices may be powered on but must be kept and operated only in silent mode. Any authorized use of these Electronic Devices must not distract the proceedings pursuant to the Rules of Decorum. In addition, voice communication and the recording of pictures, video or audio are prohibited in courtrooms unless specifically approved by the presiding judge or judicial officer pursuant to Rule 4.02 of the Rules of General Practice."

This court order does not preclude an officer responding to an incident in the courthouse from recording as required by this policy.

SECTION 14. DUTY TO NOTIFY PERSONS OF BWC RECORDING

The rights and requirements of Minnesota Statutes section 13.825 are incorporated by reference into this policy and personnel should review and follow the current statute when there are policy

conflicts or questions. ([MN Statute 13.825](#))

If an individual asks an officer if a BWC is on or recording, research and experience shows the best practice is to tell individuals they are being recorded. While not required by law ([MN Statute 626A.02, subdivision 2](#)), the Saint Paul Police Department strongly encourages officers to tell people that they are being recorded, unless the officer believes that disclosure would result in a safety issue for the officer or public.

Section 13.04, subdivision 2, does not apply to collection of body worn camera data.

SECTION 15. DATA CATEGORIZATION AND DEPARTMENT-ISSUED PHONES

A. Categorization

All data collected by BWCs is subject to statutory requirements and may also be considered evidence. The timely and accurate categorization of data is vitally important to determine the retention of data. Officers must ensure all BWC recordings are assigned a case number and correct category by the end of their next duty shift. Officers should contact a supervisor with any questions about appropriate categorization. Officers should assign as many of the following categories as are applicable to each file:

| CATEGORY | RETENTION PERIOD |
|--|-------------------------|
| **Misc./Equip Maint./Training | 1 year |
| Civil/Morgan Plan | 1 year |
| General Citizen Contact | 1 year |
| None | 1 year |
| Traffic Stop (Non-Arrest) | 1.5 years |
| Squad Accident/AWI | 3 years |
| Vehicle Pursuit | 6 years |
| Arrest/Evidence/RRA | 7 years |
| CSC | 9 years |
| Investigation of a Death/Admin Hold | No Expiration |
| Pending Review | No Expiration |
| <u>*Officer Discharge of a Firearm</u> | No Expiration |

*Excludes training and killing of an animal that is sick, injured or dangerous.

B. ****Training videos created as a part of the recruit academy will be retained for a minimum of 90 days and may be purged with the authorization from the Chief of Police or his/her designee.** BWC recording may be retained for as long as reasonably necessary for possible evidentiary or exculpatory use

related to the incident with respect to which the data were collected.

C. CAD/RMS Integration

The CAD/ RMS integration is a feature of the system that will attempt to add a case number and a category to videos recorded by the officer. The CAD/RMS integration data that contains the time a call was dispatched to an officer and the time the officer cleared the call, will be compared to that officer's video in evidence.com. Where there is a match, the integration will add the case number and category to the video. Officers should be aware of instances where they are not assigned to a call at the time a recording is started, as these must be manually updated.

The CAD/RMS integration process only occurs after video has been uploaded to evidence.com. Officers are responsible for verifying that the CAD/RMS integration has updated the recordings with the correct case numbers and categories. Officers shall review their own recordings (using the evidence.com "My Evidence" page) to ensure that every recording they made has a case number and proper category. This shall be done no less than one time per work week.

Officers are responsible for ensuring that the data captured on their BWC is categorized and the correct CN attached to said data. Utilizing audit and search features of evidence.com, supervisors are responsible for ensuring data uploaded by subordinates has been categorized.

Officers shall manually update any call type of Previous Case Number (PCN) with the appropriate related case number and category. Often officers are assigned to a PCN call type in CAD while recovering a stolen car, following up on another call, or arresting someone on a pc pickup. The evidence relates to the original case and needs to be manually updated in order to be visible to investigators and prosecutors. The CAD/RMS integration is unable to properly update these call types.

D. Department Issued cell phones

Officers issued a department cell phone may categorize data in the field using the Axon View application.

Department issued cell phones are subject to General Order 236.02 Internet Access and E-mail.

Officers may use the camera and video features of their department issued cellphones for scene photography and other legitimate law enforcement purposes as trained. Refer to General Order 440.00 Digital Evidence and 424.01 Photograph, Audio and Video Recordings.

No personal devices may be used to update BWC data.

SECTION 16. UPLOADING DATA

All BWC data is subject to statutory requirements for retention and dissemination. Data captured on the BWC may also be evidentiary. **Officers are responsible for ensuring the case number and correct category are attached to their videos.**

All officers will upload BWC data daily when they are working regular duty, overtime or in an off-duty capacity. The department recognizes that officers may create BWC data during off-duty or overtime situations and will not have immediate access to upload the data. If an officer has recorded evidentiary data relating to an arrest and/or a Response to Resistance or Aggression (RRA), the officer must upload the BWC prior to end of their shift. If an officer is working in an off-duty or overtime capacity and has BWC data related to something other than an arrest and/or RRA, the officer should upload the data no later than the end of the officer's next regular shift.

For example: An officer working off-duty creates a video for an incident report or general citizen contact that does not result in an arrest or RRA. This officer should upload their video no later than their next scheduled shift.

An officer conducts a traffic stop on their way home that does not result in an arrest or RRA. This officer should upload their video no later than their next scheduled shift.

SECTION 17. CRITICAL OR SIGNIFICANT INCIDENTS

- A. In the event of a Critical Incident all officers who are involved or who witness the incident shall turn off their BWCs only when instructed by a supervisor or investigator assigned to the incident. It is the responsibility of the scene supervisor to ensure compliance with this section.
 - a. Note that General Order 246.09 Critical Incidents requires officers involved in a critical incident to give the first responding non-involved field supervisor a brief, factual, public safety statement of the event for the purpose of focusing the investigative efforts, which will include, but is not necessarily limited to assisting in identifying and locating suspects, victims, witnesses, evidence, and any other information deemed pertinent to public or officer safety.
- B. All involved or responding officers must maintain custody of their BWC equipment until the forensic services unit or crime lab of the investigating agency takes custody of the equipment. In the event that an officer will be photographed as part of the investigation, the officer should leave their uniform intact, including BWC equipment, until photographs are completed. The department will ensure that all video is properly uploaded. Once all uploads are complete, BWC equipment will be returned to the officer, or their supervisor, unless the device itself is evidence beyond any data created by the BWC. If the BWC device is evidence it must be handled in the same manner as any other evidence.
- C. In the event an outside agency crime lab or the forensic services unit does not respond to a Critical Incident, the supervisor must ensure BWC Data is properly uploaded before returning the BWC to the officer.

SECTION 18. PRIVATE, CONFIDENTIAL AND PUBLIC BWC DATA

All BWC data is the property of the department and is government data subject to the laws of the State of Minnesota.

Minnesota Statutes section 13.825, subdivision 2, defines BWC data as presumptively private data about the data subjects unless there is a specific law that makes the BWC data either confidential or public.

BWC data subjects are defined as:

- Any person or entity whose image or voice is documented in the data.
- The officer who collected the data.
- Any other officer whose voice or image is documented in the data, regardless of whether that officer is or can be identified by the recording.

Confidential BWC data is collected or created as part of an active criminal investigation. Data is classified as confidential while the investigation is active. Inactive investigative data is classified according to rest of section 13.825.

Public BWC Data is defined as:

- Data documenting the discharge of a firearm by an officer in the course of duty, other than for training or the dispatching of an animal that is sick, injured, or dangerous.
- Data that documents the use of force by an officer resulting in substantial bodily harm. Substantial bodily harm is defined in Minnesota Statute section 609.02 as bodily injury which involves a temporary but substantial disfigurement, or which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.
- Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any data subject (other than an officer) who has not consented to the public release must be redacted. In addition, data on undercover officers must be redacted.
- Data may be redacted, or access withheld to portions of data that are public, if those portions of data are clearly offensive to common sensibilities. A person seeking access to otherwise public data that have been withheld may bring an

action in district court to challenge this determination. The person bringing the action must give notice to the department and the subjects of the data. The department must give notice to any subjects of the data of which the department is aware and that were not provided notice by the person bringing the action for access. The rights of a defendant in a criminal proceeding to obtain access to body worn camera data are not affected by any determination by the department that the data are clearly offensive to common sensibilities.

- Data that documents the final disposition of a disciplinary action against a public employee.
- If another provision of the MGDPA classifies data as private or otherwise not public, that data retains the other MGDPA classification.

SECTION 19. ACCESS BY DATA SUBJECTS

A. As required by statute, an individual must be allowed to access BWC data about him/herself as a subject of the recording, however access is not required under the following conditions:

- The data is collected or created as part of an active investigation.
- The data is restricted by law from disclosure to the person seeking access, such as portions that would reveal identities protected by Minnesota Statutes section 13.82, subdivision 17.

B. Unless the data is part of an active investigation, an individual data subject may request said video and must be provided with a copy of the recording redacted as follows:

- Data on other individuals in the recording who do not consent to the release must be redacted.
- The identities and activities of an on-duty peace officer engaged in an investigation or response to an emergency, incident or request for service may not be redacted unless the officer's identity is subject to protection under section 13.82, subdivision 17, clause (a) (when access to the data would reveal the identity of an undercover law enforcement officer).
- If a subject of the data submits a written request to retain the recording, the data must be retained for the period of time requested, up to an additional 180 days beyond the applicable retention period.
- VMU Sergeant will ensure the request is documented in Gov QA, adjust the

category retention period and notify the subject of the new expiration date. VMU Sergeant shall notify the requester that the recording will be destroyed when the requested time elapses (180 days) unless a new request is made.

SECTION 20. WHEN BWC DATA MAY BE WATCHED OR REVIEWED

- A. Officers are authorized to access public and non-public (confidential or private) BWC data for legitimate law enforcement purposes, including but not limited to report writing. Nothing in this policy restricts an officer from reviewing data for law enforcement purposes, including for preparing to give a statement, preparing for court testimony or to respond to allegations of substandard performance or misconduct, excepting department policy under General Order 235.20 Administrative Lockdown.
- B. BWC data may not be accessed or reviewed for the purpose of surveillance. Permitted use of BWC Data includes:
- 1) Case investigation.
An investigator assigned to a related criminal investigation may review BWC Data relevant to the investigation.
 - 2) Incident debrief and performance review.
An officer's immediate supervisor may utilize an officer's BWC data for the purpose of coaching and providing feedback to the officer with the purpose of improving performance.
 - 3) 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. Supervisors and department personnel who have the responsibility to review a response to resistance or aggression may access BWC data pertaining to the incident.
 - 4) Pursuit review.
BWC data showing a vehicle pursuit may be accessed by supervisors and department personnel who have the responsibility to review the incident.
 - 5) Accidents involving department vehicles.
BWC data relating to department vehicle accidents may be disclosed to the Accident Review Board pursuant to General Order 640.07.
 - 6) Quality Control Process
BWC data may be accessed as part of the BWC Quality Control Process - see G.O. 442.19.
 - 7) Disclosure to Courts

- a. BWC data relating to a criminal matter will be disclosed to the appropriate prosecuting authority.
- b. BWC data may be further disclosed to court personnel as authorized by applicable rules of procedure and Minnesota Statutes sections 13.03, subdivision 6, and 13.825, subdivision 2 (d).

8) Training

- a. Officers who become aware of BWC data that may contain training value should notify their supervisor. BWC data may be shown to staff for public safety training purposes.
- b. The Training Unit Commander will communicate with any employees depicted in the BWC data prior to use of the data for training. The Training Unit Commander will evaluate and consider any objections of officers depicted in the data prior to use of the data. In all cases the training value of the data will be the focal point of any consideration for use as part of a training session.
- c. Field Training Officers (FTOs) may utilize their own or their recruit's BWC data with their recruit for the purpose of providing coaching and feedback on the recruit's performance.

9) Evaluation of alleged misconduct.

- a. 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.
- b. BWC data may be accessed by the internal affairs unit or any 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. Informal allegations or questions should be handled within the unit consistent with the chain of command. Formal complaints should follow the procedure outlined in General Order 230.00.
- c. BWC data related to a formal complaint made against an officer during an internal investigation will temporarily be categorized as an Admin Hold under the Investigation of a Death/Admin Hold retention category.

10) Public Release.

Minnesota State Statute section 13.825, subdivision 2 defines instances in which BWC becomes public. Such data will be reviewed by the VMU prior to release.

The department will also at times release BWC data to the public with the goal of demonstrating:

- 1) Exceptional work done by officers on a daily basis.
- 2) Some of the challenges our officers face on a daily basis.
- 3) Things body cameras record and do not record.

The department may also release BWC data in the interest of public safety. Prior to release, all private data as defined by Minnesota Statute section 13.825, subdivision 2 will be redacted.

The Public Information Officer (PIO) will communicate with any employees depicted in the BWC data prior to public release under this section. The PIO will evaluate and consider any objections of employees depicted in the data prior to use of the data. The privacy and interests of all data subjects will be the focal point of all data released under this section.

C. Officers only have permissions in evidence.com to view data created by the BWC assigned to them. Officers needing to review data created by another officer's BWC may:

- 1) Ask the officer who created the data to show it.
- 2) Ask the officer who created the data to assign rights to view it in evidence.com.
- 3) Ask a supervisor to play it.

D. Critical Incidents and Review of Data.

Officer(s) involved in a Critical Incident may view and/or listen to BWC Data of the incident only after:

- 1) The officer has met with legal counsel or the Saint Paul Police Federation representative, if those entities are requested by the officer, and
- 2) The officer and legal counsel have met with the investigative entity or designee regarding the process for a Critical Incident set out in General Order 246.09.

SECTION 21. SHOWING BWC DATA WITH WITNESSES OR THE PUBLIC

Officers shall not share BWC recordings with any member of the public or any other employee, unless it is required for the official performance of their duties and consistent with all applicable laws.

Officers may show portions of BWC Data to witnesses as necessary for purposes of investigation as allowed by Minnesota Statutes section 13.82, subdivision 15 which states data may be shown to:

- 1) Aid the law enforcement process.
- 2) Promote public safety.
- 3) Dispel widespread rumor or unrest.

SECTION 22. COPYING OF BWC DATA

Copies of BWC data must be requested through the video management unit. Employees shall not copy or record BWC data with smart phones, video cameras, or by any other means.

SECTION 23. PROTECTION OF BWC DATA / AUDIT

BWC data will be protected in compliance with state law and this policy. To that end, the department will:

- 1) Restrict access to BWC data according to an authorized employee's access credentials.
- 2) Maintain an automated audit/electronic audit trail of the date, time, and person with regard to each access to data. All employees who access BWC Data via evidence.com will be required to document the reason for their access by adding a note describing their reason for accessing the data in the "notes" section of whatever data file is accessed.

A note should usually be one of the following authorized reasons for review:

- Report writing
- Court
- Internal affairs response
- Case investigation
- Debrief
- RRA review
- Pursuit review
- Squad accident
- Quality Control Process (QCP)

- Training
- FTO
- Complaint investigation
- VMU review

Any other reason not covered above should be specifically described.

SECTION 24. RELEASE TO THE PUBLIC

- A. Only video management unit (VMU) staff or Internal Affairs Staff trained in data practice and the use of the system for copying such data are authorized to make copies of BWC data. The original data will be retained according to the retention schedule in this policy.
- B. Copies made by VMU or IAU staff must be for lawful purposes including, but not limited to, data requests under the MGDPA, department purposes, criminal litigation and civil litigation.
- C. Whenever a request for BWC data is made to the department by the media and the department intends to release the video, an email will be sent to all officers assigned to the associated CN in the CAD system, with a 24-hour advance notice of its release for all routine requests if possible.
- D. The department may charge its actual cost for providing requested copies of data pursuant to Minnesota Statute sections 13.03 and 13.04.

SECTION 25. CASE NUMBERS AND DOCUMENTING EXISTENCE OF BWC DATA

- A. All BWC data must be associated with a department case number to ensure accurate tracking of BWC data. Therefore, whether on- or off-duty, an officer who has created BWC data must ensure they have logged into the Computer Aided Dispatch system (CAD) with their employee (long) number. Then:
 - 1) If a case number has not already been created to associate with the BWC data, the officer must call for a case number.
 - 2) If a case number has already been created to associate with the BWC data, the officer must ensure they are assigned to that case number in the CAD.
 - 3) If working off-duty or overtime or on-duty special detail (i.e. Xcel or CHS stadium, parade, etc.) and the situation for which the BWC data

was created does not require an independent case number, an officer may use the case number created when calling in for the off-duty job or created for the detail.

- B. An officer not assigned to an incident in the CAD system, who arrives on scene and as per policy has activated their BWC, must notify dispatch of their arrival so they will be assigned to the incident in the CAD system.
- C. Each officer completing a report and/or citation must document the existence of their BWC data in their report and/ or citation.
- D. Documentation of BWC footage in a police report will be done using eForms. Officers will check yes or no in the section for “Has Body Camera Video”. If yes is checked, they will then select yes or no with respect to whether the video was reviewed or not. Officers will also use eForms to document the existence of ICC video and what squad(s) have ICC video evidence. If an officer is not otherwise completing a report and/or citation for an incident, the existence of their BWC data must be documented in CAD via CAD comments.
- E. Officers who unintentionally or accidentally create a recording may use the blanket CN of the year and 999999. For example, an inadvertent recording in 2020 should have in the ID field the CN 20999999.

SECTION 26. REPORT WRITING - DOCUMENTING BWC DATA CONTENT IN A NON-CRITICAL INCIDENT

- A. To ensure the accuracy of reports and statements, officers may review audio and video data before making a report or statement.
- B. Officers completing a report for an incident in which the BWC data was created are responsible to ensure the content of relevant BWC data is referenced in narrative form in their reports.

Additionally, a narrative report must describe

- 1) Reasons for failing to record when called for by this policy.
- 2) Whether officers have reviewed their BWC data before completing a report.
- 3) Whether the officer completing a report has reviewed the data of other BWCs.

- 4) The extent of review of any BWC data undertaken by an officer. Some examples of documentation of review:
- “I have not reviewed footage before completing this report.”
 - “I have conducted a full and detailed review of all data which could function as a transcript.”
 - “I have conducted a cursory review of video at fast speed without audio review.”
 - “The footage begins at 21:00:10 hours and ends at 21:20:00 hours. I have conducted a full and detailed review of portions (2105:05 to 2109:30).”

SECTION 27. BWC DATA RETENTION

BWC Data will be retained in accordance with the MGDPA, General Retention Schedule for Minnesota Cities, Ramsey County Evidence Retention Policy, court order, or applicable statute of limitations or preservation period. (The schedule is detailed in Section 15 of this policy)

All BWC Data not covered under the aforementioned provisions will be retained for a minimum period of 1 year, with the exception of those created and classified during the recruit training academy. There are no exceptions for erroneously recorded or non- evidentiary data.

Upon written request by a BWC Data subject, the department will retain a recording pertaining to that subject for an additional time period requested by the subject of up to 180 days. The department will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received. Subsequent requests will be evaluated and based on critical nature of the request may be approved by the Chief of Police or designee.

SECTION 28. HANDLING OF EVIDENCE

- A. BWC Data will be handled as evidence and retained according to the applicable retention period of the categories assigned to the data.
- B. When BWC Data contains evidence for a case, whether civil or criminal, that is being investigated by another agency, that agency will be provided a duplicate copy of the recording for a specified law enforcement purpose with the written approval of the Chief of Police or his or her designee.

SECTION 29. POLICY COMPLIANCE AND QUALITY CONTROL PROCESS.

Minnesota Statutes section 626.8473 requires that police departments put in place “procedures to ensure compliance and address violations of the policy, which must include, at a minimum, supervisory or internal audits and reviews, and the employee discipline standards for unauthorized access to data contained in section 13.09.”

To meet these statutory requirements, all supervisors must monitor compliance with this policy.

The department has also created the position of BWC Quality Control Sergeant. The BWC Quality Control Sergeant will be assigned to the technology unit to verify compliance with this policy. G.O. 442.19 details the department’s internal Quality Control Process for BWC.

Pursuant to G.O. 442.19, the department has also established the BWC Review Committee which is responsible for reviewing randomly selected videos for compliance with this BWC policy.

SECTION 30. TRAINING

Employees must complete the BWC training program before being issued or using a BWC. Ongoing training will be provided as determined by the Training Unit Commander.

SECTION 31. BWCs AND THE ICC SYSTEM

BWCs do not replace the ICC system. This policy does not replace the ICC policy. ICC continues to be governed by General Order 442.17 In-Car Camera Policy. However, officers wearing a BWC are exempt from the wireless microphone portion of the ICC policy.

SECTION 32. DISCOVERY OF POTENTIAL MISCONDUCT

The department encourages officers who witness or become aware of violations of department policy to immediately report said violation to their supervisor. If a civilian employee, an officer, or a sergeant reviewing BWC data observes a violation of department policy they should report the violation to their supervisor. A supervisor notified of such a violation shall take the appropriate actions based on the circumstances of the violation.

If a commander or chief reviewing BWC data observes a violation of department policy, they should take the appropriate actions based on the circumstances of the violation.

All who review BWC data shall focus their review on the reasons for which they are justified to do so.

SECTION 33. ACCESS TO SENSITIVE PERSONAL RECORDINGS

In the event of unintentional or inadvertent BWC recording, such as a personal conversation that captures sensitive personal information for which access should be restricted, an officer

may submit a written request via email to the VMU (SPPD-VMU@ci.stpaul.mn.us) which will restrict access to that portion of BWC data. The VMU sergeant will evaluate the request in conjunction with the Technology Unit Commander. If a restriction is placed on access to such data, that restriction will remain until the data is deleted according to the retention schedule of the data's category.

SECTION 34. SUMMARY OF VARIED REPORTING REQUIREMENTS

| EVENT | POLICY REFERENCE | VERBAL NOTE IN BWC | REPORT, if written, or CAD COMMENTS | SUPERVISOR NOTIFICATION | VMU NOTIFICATION |
|---|------------------------------------|--------------------|-------------------------------------|-------------------------|------------------|
| Temporary removal of BWC from uniform, i.e. clearing an attic, etc. | Section 8. (B.) Wearing the BWC | | X | | |
| Recording an undercover officer | Section 9. (C.) | | | | X |
| Officer deactivates recording due to MGDPA protections | Section 9. (D.) | | X | | |
| Officer deactivates recording due to victim or witness request | Section 9. (D.) | | X | | |
| Intentional or unintentional recordings under Prohibited Section of policy. | Section 9. (D.) | | | | X |
| Any failure to record | Section 10. | | X | X | |
| Stop or pause recording in a situation that would otherwise be recorded. | Section 12. | X | X | | |
| Awareness of BWC data with training value | Section 20. | | | X | |
| | | | | | |

SECTION 35. SECURITY ACCESS CONTROL PROCEDURES

A. Access to BWC recordings will be granted only to authorized users pursuant to this policy. It is the responsibility of authorized users to keep their username and password confidential. Accessing, copying, or releasing any recordings for other than legitimate law enforcement purposes is strictly prohibited, except as required by law.

B. BWC recordings will be accessed and copied from Evidence.com using department-approved equipment only for legitimate law enforcement purposes.

C. Any time a video is redacted for any purpose, the original of the un-redacted video shall also be kept.

D. Supervisors will monitor the BWC recorder system for compliance with this policy.

E. Officers must not attempt to intentionally edit, alter, or erase any BWC recording.

F. As required by Minn. Stat. § 13.825, subd. 9, as may be amended from time to time, this agency shall obtain an independent biennial audit of its BWC program. The audit shall determine whether the data is being effectively managed according to Minnesota Statute 13.825 subd 9.

G. The department will maintain records showing the date and time BWC system data were collected and the applicable classification of the data.

H. The department will require in its vendor contracts that the vendor comply with the requirements of this policy and the FBI CJIS security policy, as amended, and that the vendor have in place sufficient security safeguards and policies to ensure appropriate protection of BWC data, including secure backups of BWC data. A portable recording system vendor that stores portable recording system data in the cloud must protect the data in accordance with the security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services Division Security Policy 5.4 or its successor version.

Security Access Control Procedure (Click to view document)

Outside Law Enforcement Agencies and Attorney Offices:

Shall use GovQA Request portal (www.stpaul.gov/datarequest) for the purposes of requesting BWC data. In doing so, they are required to fill out the SPPD Video Management Unit form “BWC Request for Data from Outside Agency”. The form requires the following acknowledgement: “The recipient of body camera data acknowledges and agrees that they are required by law to fully comply with all requirements of Minnesota Statute section 13.825, subdivision 8, regarding data classification, destruction and security of portable recording system data received for a law enforcement purpose”.

BWC data may not be shared with, disseminated to, sold to or traded with any other individual or entity unless explicitly authorized by this section or other applicable law, including explicitly Minnesota Statutes section 13.825, subdivision 7.

Roles by Job Level/Duty Chart:

The following SPPD and SPCAO personnel are granted roles/permissions in Evidence.com (cloud storage for BWC video) as indicated upon hire, transfer, promotion or demotion. All roles/permissions granted must have written permission from the Chief of Police or their designee. The corresponding HR Code (BWC Approval Letter) and Chief’s approval are maintained by the SPPD HR Administrator.

| HR Code | Evidence.com Role | Role Defined by Assignment |
|---------|--------------------------|---|
| 01 | Camera Assignment Access | Personnel assigned to the Records Unit tasked with signing out spare BWCs |
| 02 | Officer | Personnel with the rank of Police Officer |

| | | |
|----|--------------------------|--|
| 03 | SPCAO | Personnel working as an attorney or paralegal assigned to SPCAO criminal prosecution |
| 04 | Officer Trainer (Canine) | Personnel designated by the Canine Unit Commander as Canine Trainer |
| 05 | Training RRA Review | Personnel designated by the Training Unit Commander as a member of the Training Unit RRA Review |
| 06 | Supervisor Role | Personnel with the rank of Sergeant, Commander or Senior Commander NOT assigned to any of the following roles: <ul style="list-style-type: none"> • ADMIN ROLE • BWC REVIEW COMMITTEE ROLE • INTERNAL AFFAIRS ROLE • SUPERVISOR PLUS ROLE |
| 07 | Supervisor Plus Role | Personnel with the rank of Officer, Sergeant, Commander or Senior Commander assigned to any of the following units: <ul style="list-style-type: none"> • Gangs • Homicide/Robbery • Human Trafficking/Vice • MN Crimes Against Children • Narcotics • Special Investigations Unit (S.I.U.) • Safe Streets |
| 08 | BWC Review Committee | Personnel, of any rank, assigned to the BWC Review Committee |
| 09 | VMU CCTV | Personnel with the rank of Police Officer assigned to CCTV |
| 10 | VMU Technician | Personnel assigned to the Video Management Unit (VMU) |
| 11 | Internal Affairs | <ul style="list-style-type: none"> • Personnel with the rank of Commander or Sergeant, assigned to the Internal Affairs Unit • Office Assistant assigned to Internal Affairs |
| 12 | Chief | Personnel with the rank of Chief of Police, Assistant Chief or Deputy Chief |
| 13 | Admin | <ul style="list-style-type: none"> • Personnel with the rank of Sergeant, assigned to the Technology Unit • Personnel with the rank of Sergeant assigned to the Video Management Unit • Designated OTC Personnel |
| 14 | Super Admin | <ul style="list-style-type: none"> • Personnel with the rank of Sergeant, assigned to the Video Management Unit • Personnel with the rank of Commander, assigned to the Technology Unit |

Axon roles and permissions checklist which defines each role's access in the evidence.com program is maintained by the Sergeant of VMU.

SECTION 36. Data Breach Policy and Procedures: Penalties (Minnesota State Statute 13.09)

Misuse or improper access to BWC data is subject to penalties under [Minnesota Statute section 13.09](#).

- (a) Any person who willfully violates the standards for unauthorized access to data or whose conduct constitutes the knowing unauthorized acquisition of nonpublic data, as defined in Section 13.055, subdivision 1, is guilty of a misdemeanor.
- (b) Willful violation of Minnesota Statutes chapter 13, including any action subject to a criminal penalty under paragraph (a), by any public employee constitutes just cause for suspension without pay or dismissal of the public employee. See also General Orders 235.00 Data Practices and 236.00 Computer Security.

If there is a breach in security of BWC data maintained by the department, notifications will be made to those affected by the breach and an investigation started by the Property Crimes Administrators and the City of Saint Paul Office of Technology (OTC) staff as provided under [Minnesota Statute 13.055](#).

A government entity that collects, creates, receives, maintains or disseminates private or confidential data on individuals must disclose any breach of the security of the data following discovery or notification of the breach. We will investigate crimes that occur in our jurisdiction and within our authority.

Data Breach Policy and Procedures

In the event of a body worn camera data breach, the City of Saint Paul Critical Security Incident Response Procedure will be followed (see Appendix A-G).

SECTION 37. Notification to the BCA

Within ten days of obtaining new surveillance technology that expands the type or scope of surveillance capability of a portable recording system device beyond video or audio recording, a law enforcement agency must notify the Bureau of Criminal Apprehension that it has obtained the new surveillance technology. The notice must include a description of the technology and its surveillance capability and intended uses. The notices are accessible to the public and must be available on the bureau's website.

January 28, 2022

Body Worn Cameras Standard Operating Procedures

Attachment C

PARTNER AGENCY BODY WORN CAMERA CHECKLIST

Each Partner Agency requiring its United States Marshals Service (USMS) deputized personnel to wear Body Worn Cameras (BWC) on a USMS-led task force must complete this checklist prior to any Task Force Officer (TFO) being able to wear and deploy his/her BWC. Attach additional sheets if necessary.

To be filled out by USMS:

| USMS Task Force Point of Contact (POC) | | | |
|--|--------------------|--------------|------------------------|
| Division/District (Role) | Name | Phone Number | Email Address |
| D/MN | Smith, Brian SDUSM | 612-9198201 | brian.smith6@usdoj.gov |
| | | | |
| | | | |

To be filled out by each Partner Agency/Organization:

| Partner Agency Contact Information | | | |
|---|-----------------|--------------|---------------------------|
| Geographical Area Covered: City of Saint Paul | | | |
| BWC Program Role | BWC POC | Phone | Email |
| Policy/Program | Sgt. Tom Olson | 651-266-5643 | thomas.olson@ci.stpaul.mn |
| Technical | Jesse Zimmerman | 651-266-8597 | jesse.zimmerman@ci.stpaul |
| Legal | Judy Hanson | 651-266-8727 | judy.hanson@ci.stpaul.mn |
| Number of Participating TFO's | | | |
| TBD | | | |

- Identify legal authority or policies specific to the Partner Agency Organization, including any legal requirements related to post-video production access or use (e.g., FOIA, etc.):

| 1.A. State and Local Legal Authority | | | |
|---|------------------------------------|-------------------|----------|
| List and attach any state or local laws applicable to BWCs or impacting BWCs (e.g., open records laws, legal retention requirements, ordinances, etc.); and other pertinent legal guidance (e.g., significant case law, State AG Opinions, etc.). If none, enter "N/A." Add additional rows as necessary. | | | |
| | Title | Citation | Comments |
| | Comprehensive Law Enforcement Data | MN Statute 13.82 | |
| | Portable Recording Systems | MN Statute 13.825 | |

1.B. Partner Agency Policies

List and attach any policy, procedure, or other written directive from the Partner Agency applicable to TFOs' use of BWCs. Include any union or other labor agreement requirements regarding BWCs applicable to TFOs. If none, enter "N/A." Add additional rows as necessary.

| | Title | Policy/Citation | Comments |
|--|----------------------------------|-----------------|----------|
| | SPPD Body Worn Camera Policy | 442.18 | |
| | SPPD BWC Quality Control Process | 442.19 | |

2.A. BWC System Information

Answer the following questions, including any applicable citation or reference (e.g., state or local law, agency policy, vendor contract, etc.).

2. Provide information relevant to the Video and Body Worn Camera required to be used on a USMS task force operation. There are four related parts:
- A. BWC System Information - May require organizational technical staff coordination
 - B. BWC Use and Activation
 - C. Law Enforcement Access to BWC Recordings
 - D. External Access to BWC Recordings

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| 1 | <p>Name/model of BWC used by Partner Agency? How are the Partner Agency's software licenses structured? Attach technical specifications if the Partner Agency solution deviates from USMS technical specifications. The USMS technical specifications can be found in section VI.B. Technical Specifications.</p> <p>Currently using Axon Body 3 but soon moving to Axon Body 4. Licenses - two types of licenses; Basic - used for assignment of BWC; Pro - users of evidence.com</p> |
| 2 | <p>Note if there is internal organizational storage of recordings or external storage with a third party vendor? If a third party is present, identify the vendor, the system, and attach the contract.</p> <p>Recordings are stored externally with vendor - Axon (via evidence.com)</p> |
| 3 | <p>Provide technical POC information used for systems support. Provide Partner Agency operational service desk support telephone number to be used for BWC technical issue resolution.</p> <p>Video Management Unit - Sgt. Tom Olson (651-266-5643) OTC Staff - Jesse Zimmerman (651-266-8597)</p> |
| 4 | <p>Provide technical information on the default systems' governance related to data storage, metadata captured, time interval default settings, and back-up/archival frequencies and settings. How long will recordings be preserved in the Partner Agency's system? Attach any Partner Agency retention schedule and note whether it is mandated by state/local law or agency policy only. Include external agency systems where the data may also reside.</p> |

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| | <p>Standard file metadata includes agency name, evidence ID, recorded on date/time and assigned officer information.</p> <p>Recordings are preserved based on a retention schedule (statute & policy driven). See attached.</p> |
| 5 | <p>Does the BWC system include a “buffer”/ “pre- record” function or a “post-record” function? If either, identify and state the length of the buffer/ pre-record and/or post-record, and whether it is audio only or both audio and video.</p> <p>System has a 30-second buffer where video is captured but audio is not. There is no post-record function.</p> |
| 6 | <p>Does the system allow redaction? How are redacted copies managed? Is the system tied to any other systems for automated workflow (e.g., eDiscovery, FOIA, etc.) or export production?</p> <p>The system (evidence.com) does allow for redaction, but only by defined users. Both original and redacted copies are saved under the original case number. Recordings can be exported to other applications for further/other redaction purposes. Those recordings would be imported back to evidence.com.</p> |
| 7 | <p>What options exist to export video/metadata to external media and through which external media type (e.g., secure web link, Blue Ray, Thumb drive, etc.)?</p> <p>Video recordings can be exported from system via download or secure link to various media storage devices.</p> |
| 8 | <p>Does the system have an option available to allow the TFO or Partner Agency to upload or share the recordings and associated data to a USMS authorized system through a secure web interface? Are there any specialized requirements to allow access by designated USMS personnel to view and copy TFO recordings once uploaded? If there are any specialized software or interconnection requirements, please provide.</p> <p>Requests for video would come via GovQA (public data request portal) request. Data would be shared via secure weblink. If agency is partner agency within evidence.com, would have access to a case sharing ability. If not partnered, would only receive a secure link that is more limited in the data shared.</p> |
| 9 | <p>Does the BWC system allow restriction of BWC recording access to specific persons within the Partner Agency?</p> <p>Yes. There are various levels of restrictions. Only specific and predetermined positions/roles can view BWC recordings that are not their own. System administrators can further restrict access as needed.</p> |
| 10 | <p>Does the system have an audit function that will identify persons who accessed, downloaded, altered or copied recordings? Can the system export audit logs on TFO cases to be shared with USMS?</p> <p>Yes. System does have an audit function. Audits logs can be obtained and shared as Department Administration dictates.</p> |
| 11 | <p>How will USMS cases be identified in the Partner Agency's system? How will the system append the USMS required metadata to the files? What metadata can be obtained from and added to BWC recordings?</p> <p>All USMS cases will have a SPPD case number associated with it created by the USMS SPPD TFO. All Axon metadata can be obtained.</p> |

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| | Current/Additional metadata - date & time (recorded, uploaded, queued for deletion), GPS, agency info, owner info, device type/serial number, case number, retention category, checksum, file size/format, file uploader, custom tags |
| 12 | <p>How does the Partner Agency handle inadvertent/accidental recordings?</p> <p>Inadvertent/accidental recordings are given a specific case number based on the year (e.g., XX-999-999). All videos given this case number/ID are reviewed by Video Management supervisor.</p> |
| 13 | <p>How does the Partner Agency handle requests to delete BWC recordings? How does the Partner Agency handle national security or sensitive material deletions? How does the Partner Agency handle unauthorized recordings? (Unauthorized recordings are considered those using specialized or sensitive investigative techniques, operating in a sensitive area, or working in an undercover or covert status on behalf of the federal task force).</p> <p>In following current procedures, we do not delete our BWC recordings (recordings are kept according to the retention schedule). When dealing with national security/sensitive material/unauthorized recordings, system administrators restrict access to those files as needed and files would be deleted as retention schedule is met.</p> |
| 14 | <p>Confirm the TFO BWC user will be able to upload the recordings into the USMS BWC system. Can this be done locally at the USMS Task Force Office or is it only available at the Partner Agency site? How will this upload and data share be completed by the TFO or Partner Agency?</p> <p>Recordings are set to upload to Department evidence.com platform. USMS would need to make a data request to obtain any recordings.</p> |
| 15 | <p>What are the Video Codec and Video formats used for the video content? What are the quality settings on the BWC capture device? What is the frame rate of exported data? Is a predefined watermark enabled?</p> <p>The following video file types are supported by the Axon Evidence media player: .3gp, .3gpp, .3g2, .asd, .asf, .avi, .divx, .f4v, .flv, .mov, .mpeg, .mpg, .mp4, .m4v, .qt, .ram, .rm, .ts, .tts, .v23, .vob, .webm, .wma, .wmv, .x11</p> <p>The .avi and .m4v file formats are container file formats. Because it is possible for them to contain unsupported media files, it is possible for files in these formats to be valid but unsupported by the media player.</p> <p>Quality settings on BWC is 720 High. Exported frame rate is 30fps. Watermark is enabled and provides date, time, and BWC serial number for duration of video. Watermark is in local time zone.</p> |
| 16 | <p>Does the BWC have a GPS function? If so, is the function available to the TFO or embedded in the BWC function during video capture? What is the Partner Agency's policy regarding use of GPS? Can it be deactivated on TFO BWCs? If active, provide additional information on the configuration (including bread crumb intervals) and how that additional data can be shared with the USMS as part of the TFO BWC or Partner Agency upload to the USMS authorized system.</p> <p>Yes, GPS functionality is enabled. Current system settings embedded the GPS functionality and is not able to be changed by individual users. Current policy does not explicitly prohibit deactivation, but settings are determined by system administrators. Both location in video (GNSS/GPS) and Wi-Fi Positioning (gathered from Wi-Fi access points) are enabled</p> |

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| 17 | <p>Does the BWC have a “live stream” capability? If so, is the function available to the TFO? What is the Partner Agency's policy regarding use of “live streaming” with BWCs? Can it be deactivated on TFO BWCs? Can it be shared in real time with USMS? If different from standard TFO BWC recordings, provide information on metadata, storage, archival procedures, and access related to live stream data.</p> |
| | <p>Current BWC model does have "live stream" capability, however that function has not been enabled per Department Administration and vendor contract. Further questions are irrelevant at this time.</p> |
| 18 | <p>Does the Partner Agency utilize facial recognition technology with BWC recordings? How? What metadata is maintained in support of the facial recognition and can it be disabled?</p> |
| | <p>Department does not utilize facial recognition technology with BWC recordings.</p> |
| 19 | <p>Does the Partner Agency provide the TFO BWC officer with technical training on the use and sharing of recordings?</p> |
| | <p>Officers are trained in the use of BWCs. Depending on position, officers may have experience with sharing recordings with city and/or county attorney offices.</p> |
| 20 | <p>Does the Partner Agency have predefined roles with specific settings or user configurable options based on those roles? How are those roles and settings configured?</p> |
| | <p>Yes, system administrators set defined settings, roles and configurable options based on assignment.</p> |
| 21 | <p>Provide a Partner Agency POC who can provide information regarding system security and protections, and location and security precautions of data storage facilities. *Do not attach this information it will be requested at a later time.*</p> |
| | <p>System utilizes cloud-based storage solution provided by vendor (infosec@axon.com). City OTC contact is Jesse Zimmerman (noted on page 1)</p> |

2.B BWC Use and Activation

Answer the following questions, including any applicable citation or reference (e.g., state or local law, agency policy, vendor contract, etc.).

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| 1 | <p>Are there any exceptions under the TFO BWC Partner Agency policy to the requirement to record search warrant executions or arrests?</p> <p>Policy requires BWC recordings during the execution of the search warrant (i.e., entry & clearing) and while with any suspects/arrestees. Recordings are not mandated once scene has been determined safe and officers are no longer in contact with suspects/arrestees.</p> |
| 2 | <p>What is the Partner Agency's policy regarding BWC recording of confidential informants, sources, and witnesses?</p> <p>When interacting with undercover officers or confidential informants, or persons providing information based on confidentiality, unless necessary for a law enforcement investigation or to comply with the Mandatory Recording situations described in this policy.</p> |
| 3 | <p>Does the Partner Agency prohibit BWC recording in any specific situations or authorized exceptions? If so, list.</p> <p>Prohibited Recording</p> <ul style="list-style-type: none">• Interactions solely among other department employees when not actively investigating or assigned to a call or incident.• Non-work-related activity.• Within areas of a police facility restricted to personnel-only access, including roll call rooms, locker rooms, break rooms, and report rooms. BWCs should only record citizen contacts inside a police facility if relevant to an investigation or to comply with the Mandatory Recording situations described in this policy.• When interacting with undercover officers or confidential informants, or persons providing information based on confidentiality, unless necessary for a law enforcement investigation or to comply with the Mandatory Recording situations described in this policy.• During a work break.• At any location where a reasonable expectation of privacy exists, such as a bathroom or locker room, unless necessary for a law enforcement investigation or to comply with the Mandatory Recording situations described in this policy.• In patient care areas of a hospital, sexual assault treatment center, or other healthcare facility unless necessary for a law enforcement investigation or to comply with the Mandatory Recording situations described in this policy. |
| 4 | <p>Under the Partner Agency policy, are there circumstances when a supervisor may direct the officer to record or not record?</p> <p>Yes, policy states that a supervisor may direct an officer to record at any time when participating in police actions. Policy does also allow for supervisors to direct officers to end recordings / not record.</p> |
| 5 | <p>What is the Partner Agency's policy regarding citizen notification of BWC recording?</p> <p>While not required by law (MN Statute 626A.02, subdivision 2), the Saint Paul Police Department strongly encourages officers to tell people that they are being recorded, unless the officer believes that disclosure would result in a safety issue for the officer or public.</p> |

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| 6 | <p>How is the Partner Agency planning to meet the DOJ requirement for allowing use only during: (1) a planned attempt to serve an arrest warrant or other planned arrest; or (2) the execution of a search warrant?</p> |
| | <p>The MOU covers the use of BWC by the SPPD USMS TFO.</p> |
| 7 | <p>How will the Partner Agency meet the DOJ requirement to prevent recording prohibited content for the following: (1) undercover personnel; (2) confidential informants or confidential sources; (3) on-scene witness interviews prior to or after the operation; (4) personnel using specialized or sensitive investigative techniques or equipment; or (5) actions by any non-law enforcement persons at the scene who are assisting law enforcement personnel as determined by the federal agency sponsoring the task force.</p> |
| | <p>The MOU covers when the SPPD USMS TFO will utilize the BWC. In the case of unintentional recordings SPPD has the ability to blur images, mute audio, etc.</p> |
| 8 | <p>If the TFO's BWC is inoperable, does the Partner Agency's policy permit the TFO to participate in enforcement activities if a replacement is not readily available?</p> |
| | <p>No, all SPPD personnel will have a SPPD issued working BWC at all times unless working in an undercover capacity and approved by their SPPD supervisor.</p> |

2.C. Law Enforcement Access to BWC Recordings

Answer the following questions, including any applicable citation or reference (e.g., state or local law, agency policy, vendor contract, etc.).

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| 1 | Are officers allowed to review BWC recordings before writing reports or before giving statements or testimony? If so, are they allowed to view recordings only from their own BWC, or are they allowed to view BWC recordings from other officers? |
| | Yes, officers can review their own BWC recordings. Based on assignment, officers (e.g., TFOs) may have the ability to view other BWC recordings besides their own. Viewing of BWC recordings is for legitimate law enforcement purposes only. |
| 2 | If officers are allowed to review recordings, are there any exceptions? If so, list the exceptions (e.g., internal investigations, critical incidents, etc.). |
| | Yes, based on the incident, recordings may be further restricted by system administrators and not viewable by other personnel (such as instances noted above). |
| 3 | Who in the Partner Agency will have access to TFOs' BWC recordings involving USMS/federal cases? Who in other Federal Agencies is allowed access to the recordings? How are those access lists and permissions maintained? What is the frequency at which access is validated? How is access controlled following access termination? |
| | The person's whose BWC records the event, supervisors and command staff have access to the recordings. Sharing of recordings can be facilitated through Axon's Evidence.com. SPPD access lists are updated when any changes of personnel occurs and audited yearly. All terminations result in immediate termination of access. |
| 4 | Does the Partner Agency restrict access to BWC recordings involving a critical incident (e.g., officer-involved shootings, etc.)? If so, who has access in those situations? How are the restriction controls managed? |
| | Yes, access is restricted to system administrators and others who have been specifically identified as needing access (e.g., incident investigators). |
| 5 | Can the Partner Agency identify BWC recordings on USMS cases by specific metadata and limit access to those recordings in the BWC system? |
| | There are ways to restrict access by group and/or category. |
| 6 | Does the Partner Agency require random or directed supervisory review/audit of officer videos for policy compliance or other issues? If so, will this include TFO recordings of USMS cases? |
| | Yes, the Department employs a quality control process that include a random review/audit of randomly selected officer videos. |
| 7 | Will non-law enforcement employees of the Partner Agency or municipality have access to USMS BWC recordings (e.g., IT or local government officials)? If so, are they CJIS- compliant (e.g., CJIS background checks)? |
| | Yes, currently there are non-law enforcement personnel that are able to view BWC recordings due assignments/responsibilities, such as IT, IA, redactions, and other purposes. These position require CJIS compliance. |

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| 8 | <p>Are TFO BWC officers allowed to make copies of BWC recordings, or must they obtain recordings from someone else within the Partner Agency? Are officers allowed to share and upload copies to the USMS authorized systems or does the Partner Agency require involvement?</p> <p>Copies of BWC data must be requested through the video management unit. Employees shall not copy or record BWC data with smart phones, video cameras, or by any other means.</p> |
| 9 | <p>Are officers or other Partner Agency employees allowed to retain copies of recordings outside the police facility or retain possession of copies for personal use?</p> <p>Yes, but only after making a data request as a private citizen, in line with statutory regulations.</p> |
| 10 | <p>Does the Partner Agency have a policy prohibiting sharing of recordings outside of law enforcement for non-official reasons?</p> <p>Yes, sharing of recording for non-official reasons outside of law enforcement is governed by MN statute and MN Government Data Practices Act, to which our policy adheres to.</p> |
| 11 | <p>Does the Partner Agency have a policy prohibiting the posting of BWC recordings to the Internet, social media sites, or the media for non-official purposes?</p> <p>While we do not have a policy that specifically prohibits this, BWC recordings can only be obtained through official channels that adhere to MN statute and the data practices act. Any video obtained through these means could theoretically be posted to the internet or given to media. Department does have a social media policy for its employees.</p> |
| 12 | <p>Does the Partner Agency have a policy prohibiting officers from wearing or using privately owned BWCs or any other non-Partner Agency-issued BWC?</p> <p>Yes, only Department issued and maintained body worn cameras may be used by officers.</p> |
| 13 | <p>Do any other law enforcement entities or personnel have direct access to recordings (e.g., a prosecutor's office, etc.)?</p> <p>The only personnel outside of the department that have direct access to recordings are limited IT staff and the city attorney's office.</p> |
| 14 | <p>Does the Partner Agency allow access to redacted materials? If so, please explain.</p> <p>Access to redacted materials is limited to public data requests or materials shared by the Department at the discretion of the chief of police.</p> |
| 15 | <p>How does the Partner Agency ensure TFOs understand the access and content restriction policy requirements? Is there training? What is the frequency?</p> <p>Officers receive initial training upon issuance of their BWC and receive additional training as policy is revised/updated. Officers are required to acknowledge that they have read any policy updates.</p> |
| 16 | <p>Does the Partner Agency investigate their TFO- involved shootings (or other events involving death or serious injury), or is this done by another agency? If another agency:</p> <ul style="list-style-type: none"> • Identify the agency. • Is there an agreement, policy, or protocol in place with the agency for handling these situations? If so, attach. • Are related archived records handled differently than the standard processes? If so, how? <p>No, Department officer involved-shootings are investigated by the MN BCA. Yes, there is policy that</p> |

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| | is in place that addresses this. Related archived records are not handled any differently than standard processes; owners of the data retain their data. |
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2.D External Access to BWC Recordings

Answer the following questions, including any applicable citation or reference (e.g., state or local law, agency policy, vendor contract, etc.).

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|---|---|
| 1 | <p>How does the Partner Agency handle external requests for BWC recordings?</p> <ul style="list-style-type: none"> • Criminal discovery, subpoenas? • Civil/administrative discovery, subpoenas? • Open record/FOIA requests? • Media requests? • Union requests? Is there an agreement with the union regarding union disclosure of BWC recordings? If so, attach copy. • Local government authority requests? • Civilian review board requests? • Other? <p>Are there any policies, local laws, or requirements related to release?</p> |
| | <p>All external requests are governed by MN Statute, the data practices act as well as department policy.</p> |
| 2 | <p>If the Partner Agency uses a third party vendor to store recordings:</p> <ul style="list-style-type: none"> • Is security of or access to recordings addressed in the contract? • Are background checks of vendor employees addressed in the contract? • Is the system CJIS compliant? • Is access of content by the systems support technicians restricted? If so, how? <p>If so, attach copy.</p> |
| | <p>Axon has no access to SPPD’s evidence.com instance. Further questions about system security, please reference https://trust.axon.com/</p> |
| 3 | <p>How does the Partner Agency handle redaction of BWC recordings prior to public release?</p> |
| | <p>Redactions are completed by trained/certified department personnel to ensure compliance with MN data practices act.</p> |
| 4 | <p>How does the Partner Agency handle PII and sensitive content during a release? If any legal statements or content markings are included with release, please provide.</p> |
| | <p>PII and sensitive content are redacted (i.e., blurred and/or muted) as dictated by statute, data practice act and policy. Current practices do not include any legal statements or content markings, however the circumstances of a specific incident may dictate a content marking (may be done by department PIO staff).</p> |
| 5 | <p>Are there time-based or access restrictions on how long the external data may be maintained or used upon release? Are there any additional notifications required? If released, does the Partner Agency maintain a record copy longer than the standard policy for retention? If so, what is the deviation from that policy?</p> |
| | <p>There are no time-based or access restrictions for how long the data may be used or maintained upon release. If unredacted data is released to external government agency, that agency is notified they must adhere to MN statute and data practices act as it relates to the use/dissemination of that data.</p> |
| 6 | <p>How does the Partner Agency handle the approval request process and notifications of release?</p> |
| | <p>Department handles the approval request process through our public data request portal. Policy states</p> |

whenever a request for BWC data is made to the department by the media and the department intends to release the video, an email will be sent to all officers assigned to the associated CN. For non-media releases, there are no notifications made.