

The Northfield Police Department has requested funding for the purchase of a Body Worn Camera (BWC) program. The program would include BWC's for all officers and would integrate with the Squad Camera System providing audio and video coverage of police officer contacts from the vehicle and on their person when officers are away from their squads.

## **Background**

The Northfield police department does not currently have any BWC's. The department has had in-car squad video for many years. This video has been helpful in providing accountability to the community and in meeting the community's expectation of profession police service delivery. The NPD has requested funding for BWC's in the annual budget since 2017, but the request has been pushed back. The funding request has been in the CEP since 2018 and has been listed as a 2021 expected expense.

BWC's have been available for over a decade, but have greatly increased in popularity following calls for police reform in 2015. Late in 2015 the *President's Task Force on 21<sup>st</sup> Century Policing Report*, which is highly regarded by police departments and communities as a best practices guide, recommends the use of BWC's in order to "improve policing practices and build community trust and legitimacy." The report covers the police use of cameras in Pillar Three: Technology and says:

*"An increasing number of law enforcement agencies are adopting BWC programs as a means to improve evidence collection, to strengthen officer performance and accountability, and to enhance agency transparency. By documenting encounters between police and the public, BWCs can also be used to investigate and resolve complaints about officer-involved incidents."*

In a society that expects video and trusts video evidence to confirm written or oral accounts of incidents, it is important that the Northfield police department is able to have the ability to deliver on this expectation. All of our regional peer cities have BWC programs, Farmington, Rosemount, Faribault, Hastings, and Redwing.

Body Worn Cameras (BWC) are small digital cameras that officers wear that record the officer's interactions while working. In the last several years BWC's have become increasingly popular in law enforcement throughout the world as a way to document police/citizen interactions. In a society that has become increasingly familiar with digital recording devices, such as those on smartphones, GoPro and the like, a large segment of society has come to expect that officers wear BWC's and record all citizen interactions and official duties. In the past two years there has been an ever-increasing dialogue between law enforcement and the public on trust. It is clear to most law enforcement executives that "trust" as used by many in the public means a recorded video of any incident that is questioned.

While most professional police officers carry out their jobs in an absolutely trustworthy way, some have not, and maybe more importantly, others in society have not believed the actions were right. The video from BWC is a way to build public trust by having what most citizen's view as an impartial "witness" at the scene. For many in society the video from the BWC provides them with a visual description of what the officer saw so they can make their own determination on the actions of the officer.

While in the past some officers resisted the idea of wearing a camera that records them doing their job, that feeling has changed and almost all officers want the camera. In Northfield, all officers welcome the idea of having a recording that shows they act in a just way and are doing the right thing day in and day

out. Once more they feel the video will protect them from unjust accusations of improper conduct or actions.

As mentioned earlier cameras are available to almost everyone in our community, primarily through the smartphone they carry with them. We have all seen bystander video of incidents, and that can be helpful in documenting incidents involving crimes, and officer/citizen interactions. Some of the time those videos only show one angle or only part of an interaction. BWC's can provide another angle or perspective and a full recording of the interaction. These videos can be helpful in showing the perspective from the officer and can help quell community unrest following an incident in question.

[The League of Minnesota Cities](#) has stated that the use of BWC's by city police departments are effective in meeting community expectations of transparency and accountability, assist in meeting the mission of local law enforcement agencies in delivering public safety services, as well as protecting cities financial stability. As stated below there are several considerations for a community to look at before and during implementation of a BWC program, all of which have been examined by the Northfield police department:

*Body-worn cameras (BWCs) are a relatively new addition to the law enforcement toolkit. Recent research shows they may be effective in reducing citizen complaints against officers, and the United States Department of Justice views body cameras as holding "tremendous promise" for improving public safety and increasing transparency and accountability. In addition, BWCs provide a means of capturing more convincing proof for use in criminal cases and protecting officers against false claims of wrongdoing. However, communities considering a move toward body cameras should also take stock of the costs involved in setting up and maintaining a BWC program. These will include purchasing the necessary hardware and software, arranging and paying for data storage, responding to requests for access, preparing data for release, and providing for independent biennial audits of the BWC program. (LMC 2019)*

Minnesota law protects the privacy of individuals in the BWC video by classifying most BWC video as private/ not public data, although it does allow the release of videos that can calm unrest.

*Law enforcement agencies may release any not public body cam data to the public to aid law enforcement, promote public safety, or dispel rumor or unrest. (§ 13.82, subd. 15)*

The ACLU supports the use of police use of BWC's in building and maintaining community trust through oversight, but stresses the importance of privacy protections:

*Police body cameras have the potential to serve as a much-needed police oversight tool at a time of a growing recognition that the United States has a real problem with police violence. But if the technology is to be effective at providing oversight, reducing police abuses, and increasing community trust, it is vital that they be deployed with good policies to ensure they accomplish those goals. Without good policies, they risk becoming just another police surveillance device—and one with very real potential to invade privacy. Especially important are policies governing when the cameras are turned on, and who has access to the footage and under what conditions. (ACLU 2020)*

Minnesota laws provide those protections through the classification of police BWC data as generally private/nonpublic with a few exceptions. Some elements of the BWC data retention laws are identified from Minnesota State Statute below:

#### Classification and Retention

- Body cam data are generally private/nonpublic, except when the data are active criminal investigative data. ([§ 13.825, subd. 2\(a\)\(3\)](#))
- Active criminal investigative body cam data are confidential/protected nonpublic. ([§ 13.825, subd. 2\(a\)\(3\)](#); [§ 13.82, subd. 7](#))
- Body cam data that are not active or inactive criminal investigative data must be retained for at least 90 days. ([§ 13.825, subd. 3](#))
- After an investigation is complete, body cam data are public if they document an incident where an officer discharges a weapon in the course of duty (not including training or killing an animal) and the data must be retained for at least one year. ([§ 13.825, subd. 2, 3](#))
- After an investigation is complete, body cam data are public if the recording documents the use of force by a peace officer that results in substantial bodily harm and the data must be retained for at least one year. ([§ 13.825, subd. 2, 3](#))
- Body cam data that are public personnel data under [§ 13.43, subd. 2](#) remain public. ([§ 13.825, subd. 2\(a\)\(4\)](#))
- Whether law enforcement used a body cam (or any portable recording system) is public in the context of arrest data ([§ 13.82, subd. 2](#)) and response or incident data. ([§ 13.82, subd. 6](#))
- Law enforcement agencies may release any not public body cam data to the public to aid law enforcement, promote public safety, or dispel rumor or unrest. ([§ 13.82, subd. 15](#))

#### Body Cam Data Subjects

- Subjects of the data (i.e. the person(s) recorded in the footage), including peace officers, have access to private/nonpublic data and may request to have the data made public. ([§ 13.825, subd. 2\(a\)\(2\)](#))
- When a data subject requests that private data be made public, law enforcement must redact identities of non-consenting data subjects and undercover officers. ([§ 13.825, subd. 2\(a\)\(2\); subd. 4](#))

#### Data Sharing

- [Section 13.825](#) limits the sharing of not public body cam data between law enforcement agencies ([§ 13.825, subd. 8](#)) and requires agencies that use body cams to arrange for an independent, biennial audit to ensure compliance ([§ 13.825, subd. 9](#)).

#### Public Comment

- [Section 626.8473](#) requires a law enforcement agency to allow for public comment and to create written policies and procedures before it purchases body cams or implements a body cam program. Such policies and procedures must be in place by January 15, 2017.

#### Audits

- Law enforcement agencies that use body-worn cameras are required to conduct biennial independent audits of the data to determine whether data are appropriately classified according to this section, how the data are used, and whether the data are destroyed as

required under this section, and to verify compliance with the law. Law enforcement must forward a report summarizing the results of the audit to the governing body within the jurisdiction and to the [Legislative Commission on Data Practices and Personal Data Privacy](#).

In a National Survey of Public Attitudes on police BWC's from [UNLV](#) citizens generally supported the use of BWC's by police officers. Concerns raised over privacy are covered in Minnesota law as mentioned earlier, this is not the case in all states:

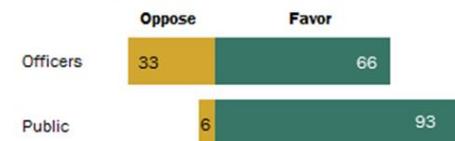
*Survey respondents were generally supportive of BWCs on police officers. 85% of the sample thought that police should wear body cameras and similar proportions agreed that police will behave more respectfully toward citizens, that BWCs will reduce excessive force and other forms of misconduct by police, and that BWCs will improve evidence gathering in criminal incidents. Nearly half of the sample (49%) agreed that BWCs on police will cause citizens to behave more respectfully toward officers, and 75% indicated that false complaints of police misconduct will decrease. A smaller, although still substantial, percentage of respondents acknowledged potential concerns with BWCs on police. About 40% of the sample agreed that victims and witnesses might be apprehensive about cooperating with police knowing that their statements will be recorded. Furthermore, respondents were generally concerned about the availability of recordings: less than one-third of the sample indicated that the media or members of the public should have access to BWC recordings. Public opinions varied in terms of how BWCs might impact relationships between police and the community. Although 91% reported that BWCs will help to improve transparency, 61% indicated that citizens will have greater trust in police, and only 36% reported that BWCs will help to reduce racial tension between police and citizens. (UNLV 2020)*

In a national survey from the [PEW Institute](#) 93% of the public and over two thirds of officers favored the use of body cameras by police. In the research both the public and officers felt recording of interaction between police and community members would be more civilized if they were being recorded.(PEW Institute 2017)

---

### Majority of police and a larger share of the public favor body cameras

% saying they \_\_\_ the use of body cameras by police



Note: No answer category not shown.

Source: Survey of law enforcement officers conducted May 19-Aug. 14, 2016; survey of U.S. adults conducted Aug. 16-Sept. 12, 2016. "Behind the Badge"

PEW RESEARCH CENTER

---

The NAACP has supported the use of police Body and squad cameras since [2014](#) when they said:

*"...The required use of police officer Body-Worn Cameras (BWC) to record every police-civilian encounter in accordance with and policy requiring civilian notification and applicable laws, including during SWAT deployments, along with rigorous standards regarding the retention, use,*

*access, and disclosure of data captured by such systems and the universal use of dash cameras in police vehicles...”(NAACP 2014)*

And again in 2020 the NAACP reiterated their support of police body camera use for all officers.

The International Association of Chiefs of Police (IACP) has advocated for the use of BWC’s by police officers since [2014](#) as a reliable tool for accountability to the community, an aid to justice for crime victims, and unbiased witness to exonerate the innocent. Just as in squad video had become the norm for departments across the world, the size mobility of the BWC’s extended the range and capability to record officer’s interactions beyond the patrol car to all areas an officer travels during their shift. Additionally the BWC’s can provide protection for cities defending themselves from civil litigation:

*The use of BWCs gives officers, their agencies, administrators, and employing jurisdictions an additional means of defending themselves in civil litigation. This is extremely useful in resolving citizen complaints and potential civil actions. During many police-citizen contacts there are no objective witnesses to corroborate either allegations of misfeasance or explanations of the interaction and so many jurisdictions are more willing to resolve these matters by paying minor damages rather than spend time and money in litigation. However, an officer utilizing a BWC typically has all the comments and actions of both parties on record and thus has a built-in “impartial witness” on his or her person—a factor that has often resulted in civil suits before they would otherwise have been formally lodged. In one study of in-car camera recordings, “in cases where video evidence was available, the officer was exonerated 93% of the time; in 5% of the cases the complaint was sustained.”<sup>3</sup> In addition, the same study showed that in a large number of instances, the individual decided against filing a complaint once he or she was notified that there was a video recording of the incident<sup>4</sup>. (IACP 2014)*

In addition to the aforementioned reasons for a BWC program is the use of the cameras as an operational effectiveness, enhancement, training, and risk reduction tool for the department. The cameras provide the opportunity for officers to self-assess their performance and for supervisors to assess the performance of the officers. The recordings are a great training tool to show officers how they are performing and where they may be making errors in performance, efficiency, or effectiveness.

Supervisors can use the videos to review the work of officers when they are not present. Using a checklist of key performance indicators the supervisor can review calls and give feedback to the officer. For example in reviewing a domestic disturbance related call a supervisor can review for these key performance indicators:

Upon arrival at the residence, did the officer perform the following tasks:

- Check on the welfare of the victim
- Determine if the suspect was still on scene
- Determine what criminal offense, if any had occurred
- Determine if any weapons were involved
- Provide victim resource contact information

In the airline industry “Near misses” are reviewed in a blameless review of the event to learn from the experience and develop ways to avoid them in the future. Body Cameras have the ability to allow the

officer, supervisor and peers to be able to review calls to find the best way to handle these calls in the future, ensuring the department is a learning organization.

In summary, a police body worn camera program assists the police department in meeting the expectations of the citizenry while executing the duties imposed through the constitution, statute, ordinance, and the courts. The public overwhelmingly expects all officers to have body cameras record interactions they have on calls and community stakeholders agree Minnesota's BWC laws protect privacy and govern BWC data appropriately, additionally the officers fully support the program. While there is a cost to the program, these costs also have the potential to save the city money through risk reduction, and improved efficiency and effectiveness.

### **Request**

The police department has reviewed the research conducted by hundreds of departments throughout the United States, and staff have been to numerous training and review classes on all aspects of a BWC program. The department has compared this information to the operational needs and capabilities of the police department and those of the information technology department. The result of that research has been the recommendation to go with an integrated BWC and SMC platform with cloud storage of data. The integrated platform covers all operational needs from hardware to software to redaction and storage in one platform.

The all-in-one platform is extremely critical due to the limited staff in the police department and in the information technology department. Without this platform there would be a need for additional staff and equipment to classify, store, sort, copy, reproduce, and purge videos. Additional servers, maintenance and back up servers would be needed, as well as additional software and eventual upgrades to that software, all of which require additional IT staff time. An integrated platform covers all of it and is offered by one company, reducing the risk of finger pointing from one company to another during troubleshooting.

The purchase will be made from an approved vendor using the MN State Bid pricing which was just renegotiated by the State of Minnesota in July 2020.

### **Process**

The Minnesota Legislature enacted legislation in 2016 requiring police departments to hold a public hearing before enacting a body worn camera program.

*State Statute 626.8473 s.2 states, A local law enforcement agency must provide an opportunity for public comment before it purchases or implements a portable recording system. At a minimum, the agency must accept public comments submitted electronically or by mail, and the governing body with jurisdiction over the budget of the law enforcement agency must provide an opportunity for public comment at a regularly scheduled meeting.*

The Police department plans to hold a public hearing to explain the program, the department BWC policy, field questions, and accept feedback, and then follow up with a public hearing at a council meeting prior to purchase thus meeting the statutory requirements. The police department would then

come forward with a purchase request in early 2021, with a plan to implement a program as soon as delivery and set up could be completed, tentatively planned for quarter 2 in 2021.