

Chaska Police Department's study of all aspects related to Body Worn Cameras (BWCs) and Pilot Study Deployment

"Trust between law enforcement agencies and the people who they protect and serve is essential in a democracy. It is key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services."¹

Chief Scott Knight, his peers, and his officers have and continue to study and reference the 21st Century Policing report and the six main topic areas – "Pillars" – around which the report is organized. Chief Knight had the honor of being invited to the White House, along with other chiefs from across the nation, to review and offer opinion of the report.

While new approaches, recommendations and perspectives of important value were presented in the report and learned from, we were pleased to note that the Chaska Police Department (CPD) has a professional "culture" embracing several recommendations offered within the six "pillars" of the report. Vital to maintaining the community's trust, and delivering the expected service and protection is transparency, responsiveness and staying ahead of important societal issues, rather than lagging behind.

Officer Body Worn Cameras (BWCs) technology has been in use for a long period of time. The Burnsville Police Department (MN) deployed this technology in 2008. They were the first police agency in Minnesota to do so, and one of the first in the nation. Since then, over time, many police agencies in Minnesota and the United States adopted the BWCs technology. So much so that the public believes that all police agencies use BWCs – or they believe that police agencies should use them; "92% of Americans surveyed support body cameras."²

Until recently the Minnesota legislature had not made clear – regarding BWCs video – what was public data and what was private data. Chief Knight was concerned that, as officers were called into the private lives of citizens, personal matters that should not be available to "just anyone" was not clearly regarded as "private data" by Minnesota State Statutes. This was a case – Chief Knight believes – of technology outpacing statute.

Minnesota Chiefs and Sheriffs brought these concerns to our law makers. And, in 2016/2017 Minnesota law was written to protect the private lives of our citizens. Following this, Chief Knight engaged the police department in a comprehensive study of BWCs.

BWCs have "... emerged as a significant tool in documenting law enforcement and citizen behavior in community engagements. Research suggests that body-worn cameras can influence the behavior of both officer and citizen, reducing the use of force and citizen complaints, much like the introduction of in-car cameras in the 1980s."³

"The Rialto Police Department (CA) found that citizen complaints regarding officer conduct decreased by 88% and the number of use of force incidents decreased by 60% department-wide during the year in which they piloted body worn cameras."⁴ The Mesa Police Department (AZ) had similar outcomes as they evaluated their body-worn camera program, with 40% fewer complaints against officers assigned to wear body cameras and 75% fewer complaints against these officers regarding their use of force."⁵

¹ The President's Task Force on 21st Century Policing, May 2015.

² Ekins, Emily. "Cato At Liberty". January 2016.

³ IACP. *The Impact of Video Evidence on Modern Policing: Research and Best Practices from the IACP Study on In-Car Cameras*.

⁴ Farrar, William. "Operation Candid Camera: Rialto Police Department's Body-Worn Camera Experiment." *The Police Chief*. January 2014.

⁵ Rankin, L. *End of Program Evaluation and Recommendations: On-Officer Body Camera System*. Mesa, Arizona: Mesa Police Department. December 2013.

According to a 2017 survey of Minnesota police chiefs, the Minnesota Chiefs of Police Association (MCPA) found that (of 116 survey respondents) over 67 percent of chiefs are in favor of BWCs and 23.5 percent are evaluating and seeking more information.

As of 2017 and going forward, police departments in Minnesota who reported the use of this technology and have deployed BWCs are:

- Hutchinson PD
- Maplewood PD
- Elko New Market
- Big Lake PD
- Woodbury PD
- Crosslake PD
- Golden Valley PD
- Oak Park Heights PD
- Upper Sioux Community PD
- White Earth Tribal PD
- Burnsville PD
- Hastings PD
- Isanti PD
- East Grand Forks PD
- Brooklyn Park PD
- Morris PD
- Prairie Island Tribal PD
- Gilbert PD
- LaCrescent PD
- Lower Sioux PD
- Cannon Falls PD
- Farmington PD
- St Paul PD
- Minneapolis PD
- Duluth PD
- Clearbrook-Gonvick PD
- Spring Lake Park PD
- Roseau PD
- Columbia Heights PD
- Tracy PD
- Madelia PD
- Blaine PD
- Benson PD
- Osakis PD
- Lake Shore PD
- Richfield PD
- Rochester PD
- Prior Lake PD
- Belle Plaine PD
- Shakopee PD
- Jordan PD

**Note: We are aware of other agencies who are about to enter into their own pilot study, which means they have or are about to deploy BWCs. To name a few: Savage PD, Bloomington PD and the Scott County Sheriff's Office, Fridley PD, and South Lake Minnetonka PD.*

“Members of departments who had implemented a body-worn camera program felt that the cameras made citizen complaints easier to resolve because the video footage could be used to gain an accurate picture of the police contact. Additionally, they felt that body-worn camera footage was useful in protecting officers in cases of unfounded complaints. According to Chief Ron Miller of Topeka (KS), ‘We’ve actually had citizens come into the department to file a complaint, but after we show them the video, they literally turn and walk back out’ ...”⁶
(Note from Chief Knight: We have had the same successful resolution of concerns and complaints, after a citizen has viewed in-car camera video footage. Additionally, in-car video footage has been/is valuable in court proceedings.)

Many cities and counties have seen a great reduction in the number of job applicants who desire a career in policing. “That is what many now call the ‘Ferguson effect’ – the idea that arrests and police officers’ actions are increasingly being recorded by people on the streets. Cell phones are recording video capturing officers making arrests that fit with protocol but may not appear that way. Then the video is edited [or photo shopped] and put out on social media for the world to see.”⁷

“The concern is that all cops are being painted with the same brush ... [Chief] Commissioner [Charles] Ramsey [stated], ‘It’s the good cops who deserve more attention. They should hold their heads high; they should be proud of what they do, because what they do makes a difference, it makes a huge difference’ ...”⁸

“The adoption of body-worn cameras requires careful planning and thorough policy development governing how the devices will be deployed and used, whether consent to record is required, who may access the videos and data, how long the videos and data will be retained, how requests for public release will be handled, and how privacy can be maintained while providing sufficient transparency.”⁹

After a year-and-a-half our Chaska Police Department BWCs study has been productive, been conducted in a very comprehensive/thoughtful manner, and inclusive. All department personnel were invited to participate, at the appropriate points in time, and they did.

In particular, officers who were overtly involved in obtaining numerous law enforcement agency policy models, legal opinions, Bureau of Criminal Apprehension (BCA) Use of Force investigation policy, Maplewood PD policy and arbitration ruling, 2017 Minnesota State Statutes, statutorily required “Public Hearing” information, and assorted relevant other opinion and information were: Lt. Chris George, Officer Kelly Boll, Detective/LELS Union Steward Jamie Personius, SRO/LELS Union Steward Mike Kleber, Officer/potential LELS Union Steward Joe Kavlie and Sergeant/LELS Union Steward Kyle Gibbons.

CPD Equipment Committee Members: Officer Martin Godinez, Officer Chris Pesheck, and Officer Joe Kavlie performed a vendor/equipment product survey.

Members of Senior Command Staff (including Chief Knight) sought information, opinion and training.

Our study led to the development of a quality BWCs policy, which was based on sound industry standards. This product was gleaned from an array of policy examples from respected law enforcement agencies and the League of Minnesota Cities. In addition, subsequent to this work, our In-Car Cameras policy was updated. (*Note from Chief Knight: At this juncture, it is appropriate to evaluate whether In-Car Cameras will remain useful and necessary to CPD and the community. This will also be a part our pilot study. It is important to realize that the In-Car Cameras capture only what happens in front of the police vehicle, and the rear passenger area. Most police officers’ contacts with citizens occur away from the front of the police vehicle, and thereby go unrecorded.)

⁶ Police Executive Research Forum. *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*. 2014 Washington, DC: Office of Community Oriented Policing services.

⁷ Pegues, Jeff. *Black and Blue: Inside the Divide Between the Police and Black America*. 2017 Prometheus Books.

⁸ Ibid.

⁹ IACP. *Model Policy and Concepts & Issues on Body-Worn Cameras*. Alexandria, VA: IACP

An important orbiting piece was the need for a separate, clear and established policy dealing with what is commonly referred to as, “View don’t View”. This policy addresses when/at what point (pre/post statement) may an officer, who is involved in a critical incident and thereby the subject of an investigation, view video evidence. The policy I have written meets officers’ needs, the department’s, the City’s, and is embraced by CPD union stewards, and CPD Command Staff.

The following addresses common “questions & answers” people may have about body worn cameras:

- **How much does this program cost to the City of Chaska?**
 - This is a one-year trial period, which is free of charge.
- **Who can view the BWC video?**
 - Peace officers that have a legitimate, law enforcement-related reason can view the video. If there is a legitimate, specified law enforcement need, CPD can share BWC video data with another law enforcement agency.
 - Generally, most BWC video data is “nonpublic” data. The video data is presumptively private and can only be accessible to a person that is on the video.
 - If the video is part of an active criminal investigation, the data is all confidential, even to the person on the video.
 - If the video contains several people, permission needs to be granted by all involved people before the data is released. If an involved person does not consent to the release, they can be “redacted” from the video by having their face blurred and their voice distorted.
- **Who is considered a data subject?**
 - Any individual or entity whose image or voice is on the video is considered a data subject.
- **What is redaction?**
 - Redaction is the process of concealing the identity of people on the video by blurring their faces and distorting their voices.
- **When is BWC video data public?**
 - When a peace officer discharges a firearm in the course of duty, except during training and for the purposes of killing animals.
 - When use of force by a peace officer results in substantial bodily harm.
 - When the data subject (person on the video) requests that the video be released to the public. If the video contains people that do not consent to the release or if it contains an undercover police officer, those individuals will be redacted by having their face blurred and voice distorted.
 - If a peace officer is disciplined, the related BWC video data is part of the personnel data, which is public.
 - If made public by a court order.

- **Does the police department have discretion to make some video public?**
 - Yes, per Minnesota statute (13.82, subd. 15), a law enforcement agency can release nonpublic, private, or confidential video if it will aid in the law enforcement process, promote public safety, or dispel widespread rumor or unrest.

- **Are all victims, witnesses, and children part of public video?**
 - No. The Minnesota Government Data Practices Act limits disclosure of information about certain individuals:
 - Victims and alleged victims of criminal sexual conduct and sex trafficking.
 - Victims of child abuse or neglect.
 - Vulnerable adults who are victims of maltreatment.
 - Undercover officers.
 - Informants.
 - When the video is clearly offensive to common sensitivities.
 - Victims of and witnesses to crimes, if the victim or witness has requested not to be identified publicly.
 - Individuals who called 911, and services subscribers whose lines were used to place a call to the 911 system.
 - Mandated reporters.
 - Juvenile witnesses, if the nature of the event or activity justifies protecting the identity of the witness.
 - Juveniles who are or may be delinquent or engaged in criminal acts.
 - Individuals who make complaints about violations with respect to the use of real property. (Code violations, real-estate ethics violations, tax law violations, etc...)
 - Officers and employees who are the subject of a complaint related to the events captured on video.

- **What if the video is public but it is very graphic? Does the video still get released?**
 - Per Minnesota statute (13.825, subd. 2(5)(b)) a law enforcement agency may redact or withhold access to portions of data that are public when the data is “clearly offensive to common sensibilities.”

- **What types of situations will CPD Officers record?**
 - Officers will record any police-citizen encounter if there is reason to believe the recording will have evidentiary value. Officers will use their cameras to take recorded statements from victims, witnesses, and suspects. Officers will record any transports and transfers of people.
 - Officers have discretion to record general citizen contacts.

- **Will someone having a medical emergency get recorded?**
 - When officers determine that there is not a law enforcement need for recording, they will deactivate their body cameras. In medical emergencies where criminal activity is not suspected, cameras will not be activated.

- **Do officers need to notify people that they are being recorded?**
 - No, but if someone asks if they are being recorded, officers will tell them if it is safe and practical.

- **Can I ask an officer to turn off their body camera?**
 - It will depend on the situation. If there is not a law enforcement need or if the situation is not adversarial, an officer will have discretion to turn off the camera or keep it on.
- **Can I request that an officer turn on their body camera?**
 - If a member of the public requests or demands that their interaction with the officer get recorded, the officer is required to activate their body camera.
- **Is the data safe?**
 - The data is very safe and is subject to very strict rules and regulations set forth by the FBI. The data is encrypted and stored off-site from CPD.
- **How long will CPD keep the data?**
 - The minimum retention period for video is 90 days but some data will be kept longer. Video data will be retained for a period of six years if the video contains evidence, a use of force, an adversarial encounter, or seizure of property.
- **What if an officer fails to activate their body camera?**
 - Officers are expected to activate their body cameras if it is safe and practical to do so. However, it is recognized 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. Any time an officer fails to activate their recorder, they will need to articulate the reason why. An officer that fails to activate their body camera without a justified reason may face discipline.
- **Will officers be allowed to review video prior to writing a police report?**
 - Yes. Officers will use the video to further assist in preparing a police report, giving a statement, or providing testimony in court.
- **Will officers be allowed to view video prior to providing a statement relating to a critical incident?**
 - Officers have the option to view video prior to providing a statement.
- **Can the body cameras “pre-record” events?**
 - Yes. When a CPD Officer activates their body camera, it will capture the previous 30 seconds of video, but not audio.
- **Will School Resource Officers wear body cameras in the schools?**
 - No. However, a uniformed CPD Officer may have their body camera activated if they respond to an incident at a school.
- **How many body cameras does CPD have?**
 - As part of the trial, CPD has 20 body cameras.

- **Does every CPD Officer get their own body camera?**
 - All 15 uniformed patrol officers are assigned a body camera.
 - Spare body cameras will be checked out by officers and detectives on an as-needed basis.
- **Will CPD Detectives wear body cameras?**
 - Detectives will have the option to utilize body cameras if they determine that the body camera would be beneficial to their investigation.
- **Where can I find CPD's body camera policy?**
 - The body camera policy and records retention schedule are posted on CPD's website at <https://www.chaskamn.com/177/Police>
- **What brand of body camera is CPD testing?**
 - We are testing Axon body cameras. Axon is formerly known as Taser International.
 - The body cameras are smaller than a cell phone and will be affixed to the officer's upper chest.
- **What happens to the data at the end of the Axon trial period?**
 - All the data is owned by CPD. None of it is accessible or viewable by staff at Axon. At the end of the trial, all data would be transferred to CPD.
- **What are the camera's capabilities?**
 - 12-hour battery life
 - Recording options from 420p standard definition to 1080p high definition.
 - Data is stored on the camera during the officer's shift. The video is uploaded, and the camera's battery is charged when the camera is "docked" at CPD at the end of the officer's shift.

Seeking public comment/input on BWCs is not only important, wise, and creating of inclusivity; it is required by Minnesota law.

Minnesota Statute 626.8473 subd. 2:

"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 public will be accommodated in the following fashion:

- We have established a dedicated email address to offer an electronic option: chaskabodycameras@chaskamn.com Persons responding will be asked to provide their name and address.
- We will accept comments delivered to CPD via U.S. Mail. Persons responding will be asked to provide their name and address.
- The Chaska City Council will determine the meeting date/time when they would take public comment.

In addition to the above statutory requirements, Chief Knight and his designees will offer to conduct community outreach and education to other stakeholders. Examples are:

- Community Civic Organizations
- Local places of worship
- Citizen Groups
- League of Women Voters membership
- Varied groups/meetings facilitated by Officer Julie Janke – CPD Community Partnership Specialist
- City of Chaska Commissions
- Chief Knight’s Citizen Advisory Board (CAB)
- City of Chaska Employee Groups
- CPD Chaplain Corp
- CFD Chief and membership
- Chaska Downtown Business Alliance
- Southwest Metro Chamber of Commerce
- Carver County Sheriff and Carver County Attorney
- Carver County Social Services and Mental Health
- Carver County Court Services
- Carver County Court Administration
- First Judicial District Judges

This community outreach effort is already underway.

Our one-year pilot study will allow us to completely evaluate this technology. As we move forward we will determine what opportunities and possibilities are presented:

- Are BWCs meeting our mission: “Serve. Protect.”?
- Are BWCs meeting the community’s needs and expectations?
- Are BWCs meeting the officers’ needs and expectations?
- Are In-Car Cameras still needed, or have BWCs supplanted the need for them?
- If In-Car Cameras remain to be seen as needed, do we incorporate this technology with our BWCs vendor? *(Note from Chief Knight: If the answer is “yes”, we would realize a savings of thousands of dollars related to the storage and management of video data.)*

Regarding future budgeting needs we will carefully review all the information our pilot study reveals relative to system features, offered by this vendor, that we can determine to be of value to the police department and community. Once we are well versed, we will be able to make “a la carte” product/system budgeting decisions and recommendations.

It is our desire to deploy the BWCs before the end of June (2018), as this will allow us to take full advantage of the free/no cost one-year trial period the vendor has offered. I do believe that we are on the cusp of making a technological “quantum leap” regarding our steadfast commitment to community policing by deploying BWCs.

Respectfully,

Scott M. Knight
Chief of Police