

**Saint Anthony – Falcon Heights – Lauderdale
Body Cam Work Group**

Wednesday, April 19, 2017

St. Anthony City Hall Council Chambers

3301 Silver Lake Road

St. Anthony, MN 55418

7:00 p.m.

AGENDA

- I. Call to Order by Co-chair Hal Gray
- II. March 15, 2017 Meeting Notes - attached
- III. March 15, 2017 Meeting Comments/Feedback
- IV. Terre Heiser, IT Manager presentation
- V. Prepare for Next Meeting - draft policy attached
- VI. Adjournment

Next Meeting:

Wednesday, May 17, 2017

7:00 pm

Lauderdale City Hall

1891 Walnut Street

Lauderdale, MN 55313

Jon Mangseth, Police Chief presenting

**Saint Anthony – Falcon Heights – Lauderdale
Body Cam Work Group
Wednesday, March 15, 2017
Falcon Heights City Hall Council Chambers
2077 Larpenteur Ave West
Falcon Heights, MN 55113
7:00 p.m.**

MEETING NOTES

- I. Call to Order by Co-chair Tony Fischer at 7:06 p.m.
- II. February 15, 2017 Meeting Notes - attached to agenda
- III. February 15, 2017 Meeting Comments/Feedback
 - a. No comments from committee.
- IV. Jeff Hansen, BCA presentation (jeff.hansen@state.mn.us or 651-793-7000)
 - a. Burnsville Police Chief Eric Gieseke introduced Jeff Hansen. Jeff Hansen has 28 years of experience in law enforcement. Since 2000, Mr. Hansen has worked primarily in homicide investigations.
 - b. BCA Background Information:
 - i. BCA headquarters is in St. Paul. BCA is an “Assist” agency with eleven different field offices throughout the state with investigative responsibility for that area. Regional offices have lab services (DNA, etc.)
 - ii. Metro/Southern/Bemidji Regional Offices - Homicide Unit: Major crimes against people, death investigations, abductions, kidnapping/missing persons (Amber Alerts come through BCA), conflict cases, officer involved shootings.
 - c. BCA Role in Officer-Involved Shootings:
 - i. Fact Gathering - no determination of justification or guilt; Two separate investigations may be occurring simultaneously; a decision will be made between BCA and the requesting agency as to who performs what duties.
 - ii. Three types of Investigations:
 1. Criminal (BCA-State or FBI-Federal) Take voluntary statements which may be submitted to Internal Affairs of local agency.
 2. Administrative (local agency/internal affairs)
 3. Civil (Plaintiff)
 - iii. Definition of “Authorized Use of Deadly Force by Police Officer” (MN SS 609.66)
 - iv. Criminal Investigation:
 1. Request for assistance comes from local agency.
 2. Case Agent determines if BCA Crime Scene team will respond. Agents will ALWAYS respond if requested.
 3. Case Agent talks with crime scene team leader (civilian)

4. Case Agent will determine number of agents needed.
- v. First Steps in BCA Investigation:
 1. Designate a contact person to liaison with the BCA. Local agency secures scene and evidence; identifies and secures witnesses to the incident.
 2. Officer involved shooting: remove officer from scene to their agency or other secure location. Secure duty weapons involved. Inform officers about procedure to be followed. Preserve evidence (officer's clothing and equipment). Officer should not change clothing prior to initial meeting with BCA. Request that officers do not discuss case.
 3. If medical care is needed by officer, draw blood sample prior to transfusions, etc. Must be consensual if no warrant.
 4. Officer's formal statement first taken by BCA agent.
 5. BCA interviews and records all witnesses involved.
 6. BCA conducts neighborhood canvas.
 7. BCA collects 911 audio and logs.
 8. BCA collects video (body cam, dash cam, cell, etc.) and officer training records specific to use of force, firearms training.
 9. Miranda warning of officer if in custody
- vi. Voluntary Statement from officer helps to determine what happened.
 1. When should officer's statement be made?
 - a. After two sleep cycles? 24 hours? Immediately following the incident?
 2. Union/attorney representation - officer should request right away if they want an attorney.
 3. Statement is recorded and helps to determine:
 - a. Can the use of deadly force be articulated?
 - b. Can actions be justified pursuant to MN SS 609.66?
 - c. What was going through officer's mind?
 - d. Officer's hand-drawn diagram helps determine what crime scene looked like.
 4. Statement to BCA acts as officer's report.
- vii. BCA Policy - For consistency: Does not allow officer to watch their own body cam or squad camera video before giving statement. Opportunity is given to add/clarify statement after watching video. Officer may watch video with their attorney present.
- viii. County Attorney will want statement. They will make decision to charge or not charge or send to Grand Jury. May also decide whether case will remain within home county or referred to another county.
- ix. Committee Comments and Discussion:
 1. When developing policy, it is helpful to add that BCA policy overrides local policy.
 2. Other helpful additions when drafting policy: Retention, data privacy, protection/preservation of video evidence.

3. BCA will meet with local chief to discuss opinion regarding officer's leave vs return to work vs dismissal.
 4. Police Department should be consistent with release of video to public: not only in case of "good shoot" but also in "bad shoot".
 5. Consider circumstances of public unrest. Transparency. Lawsuits demanding release.
 6. BCA: If local PD allows officer to watch video per local policy, before BCA arrives, it will be noted.
 7. Question regarding animosity between BCA and local PDs.
- V. Prepare for Next Meeting: Terre Heiser, Metro I-Net on Wed. April 19, 2017 at St. Anthony City Hall
- VI. Adjournment at 8:24 p.m.

Next Meeting: Wednesday, April 19, 2017
7:00 pm
St. Anthony City Hall
3301 Silver Lake Road
St. Anthony, MN 55418
Terre Heiser, Metro I-Net presenting

Terre Heiser is the IT Manager for the City of Roseville. Roseville serves as the fiscal and operating agent for Metro-INET, a technology cost share collaboration that includes 36 public agencies in the north-east Metro area. St. Anthony, Falcon Heights and Lauderdale are participating agencies with the Metro I-Net group. Collectively, Metro I-Net supports the technology needs of about 1,250 full-time employees, with another 350 part-time, temporary, seasonal and elected officials. The technology collaborative provides support to police departments in St. Anthony, Roseville, Mounds View, Anoka, St. Francis, Lino Lakes, Forest Lake, Oakdale, and North St. Paul.

St. Anthony Police Department Principles and Practices Manual

30-0 Portable Audio/Video Recorders

30-1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties (Minn. Stat. § 626.8473). Portable audio/video recording devices include all recording systems whether body-worn, handheld or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any St. Anthony Police Department facility, undercover operations, wiretaps or eavesdropping (concealed listening devices) unless captured by a portable recording system.

30-1-1 DEFINITIONS

Definitions related to this policy include:

Portable recording system - A device worn by a member that is capable of both video and audio recording of the member's activities and interactions with others or collecting digital multimedia evidence as part of an investigation and as provided in Minn. Stat. § 13.825.

30-2 POLICY

The St. Anthony Police Department may provide members with access to portable recorders for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

30-2-1 MOBILE VIDEO RECORDER OBJECTIVES

The St. Anthony Police Department has adopted the use of portable audio/video recorders to accomplish the following objectives:

- (a) To enhance officer safety.
- (b) To document statements and events during the course of an incident.
- (c) To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- (d) To preserve audio and visual information for use in current and future investigations.
- (e) To provide a tool for self-critique and field evaluation during officer training.
- (f) To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of audio-video recordings.
- (g) To assist with the defense of civil actions against law enforcement officers and the City of St. Anthony.
- (h) To assist with the training and evaluation of officers.

30-3 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order (Minn. Stat. § 13.825). If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable (Minn. Stat. § 626.8473).

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity,

non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording (Minn. Stat. § 626.8473). Members should include the reason for deactivation.

30-3-1 SPARE DEVICES

When using a spare device, or one that is not assigned to the member, it is the member's responsibility to notify the supervisor on duty of the reason they are unable to use their issued equipment. In addition, it is the member's responsibility to notify the Records Supervisor to ensure the evidence that was recorded on that device can be reassigned to the recording member in the Arbitrator Back End Client.

30-4 SUPERVISOR RESPONSIBILITIES

Supervisors shall ensure officers are using their portable audio/video recorders per policy.

Supervisors should determine corrective action for non-functioning portable audio/video recorders.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved collisions), a supervisor shall ensure that the portable audio/video recorders are properly uploaded.

30-5 ADMINISTRATOR RESPONSIBILITIES

The portable audio/video recorder administrator (designated personnel authorized by the Chief of Police) are responsible for deleting media:

- (a) Pursuant to a court order.
- (b) In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (c) In instances where privacy issues are noted.
- (d) Ordering, issuing, retrieving and storing all portable audio/video recorders.
- (e) Logs reflecting portable audio/video recorder assignments, serial number, the date it was issued, and the officer to which it was issued.

30-6 COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for (Minn. Stat. § 626.8473; Minn. Stat. § 13.825):

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
 - 1. The coordinator (Services Manager) should work with the Custodian of Records (Records Supervisor) and the member assigned to coordinate the use, access and release of protected information to ensure that procedures comply with requirements of the Minnesota Government Data Practices Act (MGDPA) and other applicable laws (Minn. Stat. § 13.01 et seq.) (See the Standards of Conduct Policy, Principles 2 and 8, and the Maintenance and Disclosure of Data Policy 13-7)
- (b) Establishing procedures for accessing data and recordings.

1. These procedures should include the process to obtain written authorization for access to non-public data by SAPD members and members of other governmental entities and agencies.

- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging or marking events.
- (e) Establishing an inventory of portable recorders including:
 - 1. Total number of devices owned or maintained by the St. Anthony Police Department.
 - 2. Daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used.
 - 3. Total amount of recorded audio and video data collected by the devices and maintained by the St. Anthony Police Department.
- (f) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
- (g) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the St. Anthony Police Department that expands the type or scope of surveillance capabilities of the department's portable recorders.

30-7 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify the Hennepin County or Ramsey County Communications Dispatch Centers.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

30-7-1 CESSATION OF RECORDING

Once activated, the portable recorder should usually remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation.

Recording may be temporarily ceased or the audio muted to exchange information with other officers, legal counsel, or the lens obstructed in order to avoid capturing images of undercover officers, informants, or citizens where based on training and experience, in the judgement of the officer a recording would not be appropriate or consistent with this

policy. The reason to cease and resume recording (or to mute audio or obstruct the lens) will be noted by the officer either verbally on the portable audio/video recorder or in a written report.

Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Formal statements recorded on portable audio/video recorders shall be recorded as separate recordings. Recordings shall be categorized, titled and identified in accordance with established policies and procedures.

30-7-2 WHEN ACTIVATION IS NOT REQUIRED

Activation of the portable audio/video recorder system is not required:

- (a) During encounters with undercover officers or informants.
- (b) When an officer is on break or is otherwise engaged in personal activities.
- (c) In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room or break room.
- (d) When not in service or actively on patrol.

30-7-3 SURREPTITIOUS RECORDINGS

Minnesota law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Minn. Stat. § 626A.02).

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

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

30-8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members are permitted to review their recordings as a resource (See the Officer-Involved Shootings and Deaths Policy 9-28 for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) In compliance with the Minnesota Data Practices Act request, if permitted or required by the Act, including pursuant to Minn. Stat. § 13.82, Subd. 15, and in accordance with the Records Maintenance and Release Policy 8-1.

Members shall document in the Post Note field of the Arbitrator Back End Client the purpose for accessing any recorded file. This documentation is to clarify the reason for viewing the recording when developing the audit trail.

All recordings should be reviewed by the Custodian of Records (Records Supervisor) prior to public release (See the Records Maintenance and Release Policy 8-1). Recordings that are clearly offensive to common sensibilities should not be publicly released unless disclosure is required by law or order of the court (Minn. Stat. § 13.82, Subd. 7).

30-9 RECORDING MEDIA STORAGE AND INTEGRITY

At the end of their shift, officers shall place the portable audio/video recorder into the docking station. This will allow the data to be transferred from the audio/video recorder through the docking station to Arbitrator Back End Client. The data is considered impounded at this point and the portable audio/video recorder is cleared of existing data. The portable audio/video recorder should not be removed from the docking station until the data has been uploaded and the battery has been fully recharged.

30-9-1 COPIES OF RECORDING MEDIA

Evidentiary copies of digital recordings will be accessed and copied from Arbitrator Back End Client for official law enforcement purposes only. Access rights may be given to the Hennepin County Attorney, Ramsey County Attorney, St. Anthony, Lauderdale and Falcon Heights City Attorney's, or other prosecutorial agencies associated with any future prosecution arising from an incident in which the portable audio/video recorder was utilized.

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

30-10 SYSTEM OPERATIONAL STANDARDS

- (a) Portable audio/video recorder system use should be based on officer safety requirements and device manufacturer recommendations.
- (b) The portable audio/video recorder system should be configured to minimally buffer for 30 seconds prior to activation.
- (c) For each digital recording, officers shall select the proper category. Members shall enter the 8-digit case file number or the full citation number and descriptive title. The title should clearly describe the nature of the recording. For example:
 - 1. Initial Contact (if use of force was used, add UOF)
 - 2. Booking
 - 3. Transport (if The Wrap was used, add Wrap)
 - 4. Impound
 - 5. Narr (narrative report)
 - 6. IC Jane Doe (implied consent)
 - 7. SS John Doe (suspect statement)
 - 8. VS Jane Doe (victim statement)
 - 9. WS Jane Doe (witness statement)
 - 10. Telephone Call with John Doe
- (d) Digital recordings shall be retained according to the Department's retention schedule or as required by the rules of evidence, unless a specific request is made to store them for a longer period of time by an authorized person.
- (e) Members shall not attempt to delete, alter, reuse, modify or tamper with portable audio/video recorder systems or recordings.

30-11 CLASSIFICATION OF MVR DATA

Nothing in this policy shall be interpreted as changing the underlying classification of data collected by portable audio/video recorder systems. The classification of data collected by portable audio/ video recorder systems will need to be determined on a case-by-case basis upon application and interpretation of the MGDPA and other laws.

30-12 PROHIBITED USE OF AUDIO/VIDEO RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the on duty supervisor or OIC. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

30-13 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 90 days.

If an individual captured in a recording submits a written request, the recording may be retained for additional time period. The coordinator should be responsible for notifying the individual prior to destruction of the recording (Minn. Stat. § 13.825).

30-13-1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release and Disclosure of Data Policies.

30-13-2 ACCESS TO RECORDINGS

Except as provided by Minn. Stat. § 13.825, Subd. 2, audio/video recordings are considered private or nonpublic data.

Any person captured in a recording may have access to the recording. If the individual requests a copy of the recording and does not have the consent of other non-law enforcement individuals captured on the recording, the identity of those individuals must be blurred or obscured sufficiently to render the subject unidentifiable prior to release. The identity of on-duty peace officers may not be obscured unless their identity is protected under Minn. Stat. § 13.82, Subd. 17.

30-14 ACCOUNTABILITY

Any member who accesses or releases recordings without authorization may be subject to discipline (See the Standards of Conduct Policy 4-0, Principle 2 and 8 and the Maintenance and Disclosure of Data Policy 13-7) (Minn. Stat. §626.8473).

30-15 SANCTIONS FOR MISUSE OF RECORDED MEDIA

Any member misusing recorded media for other than official law enforcement purposes will be subject to disciplinary action.

The Chief of Police, or designee, shall meet with the person who is alleged to have violated the policy and determine appropriate sanctions, which may include any or all of the standard discipline policies currently in place at the St. Anthony Police Department including verbal reprimand, written reprimand, suspension or termination. Intentional misuse of recorded media is a serious violation. If criminal behavior is believed to have occurred, appropriate agencies will be notified for further investigation.

The specific situation in each case of misuse of recorded media will be looked at with all circumstances considered when determining disciplinary actions. Consideration will be given to the extent of the loss or injury to the system, agency, or other person upon release or disclosure of sensitive or classified information to an unauthorized individual.

30-16 TRAINING

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

St. Anthony Principles and Practices Reference Policies

4-0 Code of Conduct

4-1 Standard of Conduct

The law enforcement code of ethics is adopted as a goal for officers of the St. Anthony Police Department

LAW ENFORCEMENT CODE OF ETHICS

“As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder, and to respect the constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ... law enforcement.”

4-2 **Professional Conduct of Peace Officers**

Purpose. The policy defines the professional conduct of peace officers. This policy supplements the ethical standards contained in the Law Enforcement Code of Ethics, a copy of which has been included for your reference.

Policy. Law enforcement effectiveness depends upon community respect and confidence. Conduct which detracts from this respect and confidence is detrimental to the public interest and should be prohibited. The policy of this department is to investigate circumstances suggesting an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

Scope. This policy applies to all officers of this agency engaged in official duties, whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted, this policy also applies to off-duty conduct as well. Conduct not mentioned under a specific rule, but which violates a general principle, is prohibited.

This policy is organized into eight principles governing conduct unbecoming an officer. Each principle is followed by the rationale explaining the principle and a set of rules.

Principle One. Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Rationale. Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

Rules

1.1 Peace officers shall not knowingly exceed their authority in the enforcement of the law.

1.2 Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence.

1.3 Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitution and laws of the United States and the State of Minnesota.

1.4 Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction in which the officer is present, except where permitted in the performance of duty under proper authority.

Principle Two. Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

Rationale. Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

Rules

2.1 Peace officers shall carry out their duties with integrity, fairness, and impartiality.

2.2 Peace officers shall not knowingly make false accusations of any criminal ordinance, traffic, or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.

2.3 Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

2.4 Peace officers shall take no action knowing it will violate the constitutional rights of any person.

2.5 Peace officers must obey lawful orders, but must refuse to obey any orders the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order, the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.

2.6 Peace officers learning of conduct or observing conduct which is in violation of any law or policy of this department shall take necessary action and report the incident to the officer's immediate supervisor, who shall forward the information to the chief law enforcement officer. If the misconduct is committed by the officer's immediate supervisor, the officer shall report the incident to the immediate supervisor's supervisor.

Principle Three. Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

Rationale. Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age.

Rules

3.1 Peace officers shall provide every person in our society with professional, effective, and efficient law enforcement services.

3.2 Peace officers shall not express, whether by act, omission, or statement, prejudice concerning race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age.

3.3 Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age.

Principle Four. Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their department or otherwise impairs their ability or that of other officers or the department to provide law enforcement services to the community.

Rationale. A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

Rules

4.1 Peace officers shall not consume alcoholic beverages or chemical substances while on duty, except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in 4.3.

4.2 Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.

4.3 Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.

4.4 Peace officers, while on duty, shall not commit any act which, as defined under Minnesota law, constitutes sexual harassment, including, but not limited to, making unwelcome sexual advances,

requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.

4.5 Peace officers, while off duty, shall not engage in any conduct which the officer knows, or reasonably should know, constitutes an unwelcome sexual advance or request for sexual favor, or unwelcome sexually motivated physical contact or other unwelcome verbal or physical conduct or communication of a sexual nature.

4.6 Peace officers shall not commit any acts which, as defined under Minnesota law constitutes sexual assault or indecent exposure. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.

4.7 Peace officers shall not commit any acts which, as defined under Minnesota law, constitutes: 1) domestic abuse; or 2) the violation of a court restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.

4.8 Peace officers shall not, in the course of performing their duties, engage in any sexual contact or conduct constituting lewd behavior, including, but not limited to, showering or receiving a massage in the nude, exposing themselves or otherwise making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the department.

4.9 Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or department. This rule does not prohibit those associations that are necessary to the performance of official duties, or where such associations are unavoidable because of the officer's personal or family relationships.

Principle Five. Peace officers shall treat all members of the public courteously and with respect.

Rationale. Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.

Rules

5.1 Peace officers shall exercise reasonable courtesy in their dealings with the public, fellow officers, superiors, and subordinates.

5.2 No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.

5.3 Peace officers shall promptly advise any inquiring citizen of the department's complaint procedure, and shall follow the established departmental policy for processing complaints.

Principle Six. Peace officers shall not compromise their integrity, nor that of their department or profession, by accepting, giving, or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments, or by using their status as a peace officer for personal, commercial, or political gain.

Rationale. For the community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the department.

Rules

6.1 Peace officers shall not use their official position, identification cards or badges: 1) for personal or financial gain, for themselves or another person; 2) for obtaining privileges not otherwise available to them, except in the performance of duty; and 3) for avoiding consequences of unlawful or prohibited actions.

6.2 Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.

6.3 Peace officers shall refuse favors or gratuities which could be reasonably interpreted as capable of influencing official acts or judgments.

6.4 Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually-oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of regular assigned duties.

6.5 Peace officers shall:

a) Not authorize the use of their names, photographs, or titles in a manner that identifies the officer as an employee of this department in connection with advertisements for any products, commodity, or commercial enterprise;

b) Maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity.

c) Not make endorsements of political candidates, while on duty, or while wearing the department's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed, or pending criminal justice legislation in their official capacity.

None of these rules shall prevent officers from engaging in the free expression of political speech in their capacities as private citizens, or the rights of police, fraternal, or labor organizations to endorse political candidates or express views on political issues or other matters of public concern.

Principle Seven. Peace officers shall not compromise their integrity, nor that of their department or profession, by taking or attempting the influence actions when a conflict of interest exists. Revised April 10, 1996

Rationale. For the public to maintain its faith in the integrity and impartiality of peace officers and their departments, officers must avoid taking or influencing official actions where the officer's actions would or could conflict with the officer's appropriate responsibilities.

Rules

7.1 Peace officers shall, unless required by law or policy, refrain from becoming involved in official matters, or influencing actions of other peace officers in official matters, impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.

7.2 Peace officers shall, unless required by law or policy, refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.

7.3 Peace officers shall not use the authority of their position as a peace officer, or information available to them due to their status as peace officers, for any purpose of personal gain including, but not limited to, initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.

7.4 Peace officers shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

Principle Eight. Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

Rationale. Peace officers are entrusted with vast amounts of private and personal information, or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information, and to maintain public faith in the officer's and department's commitment to preserving such confidences.

Rules

8.1 Peace officers shall not knowingly violate any legal restrictions for the release or dissemination of information.

8.2 Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses, or complainants.

8.3 Peace officers shall not divulge the identity of persons giving confidential information except as required by law or department policy.

Application. Any disciplinary actions arising from violations of this policy shall be investigated in accordance with Minnesota Statute 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy and Allegations of Misconduct as required by POST Board Rules, Minnesota R. Pt. 6700.2000 to 6700.2600.

8-0 **SUPPORT SERVICES**

8-1 **Records Maintenance and Release**

Records are maintained by the Department in compliance with laws and ordinances and provide a public service as well as investigative and administrative tools. Records provide the means of gathering statistical data necessary in planning and organizational Departmental Objectives. All records dissemination shall be in compliance with Chapter 13 of the Minnesota Data Practices Act.

In addition, the Department shall establish procedures to provide, for a fee, crime and traffic reports to parties of accidents and other qualified parties.

****Added Supplemental Language Addendum under Involved Employees Section.**

9-28 **Officer Involved Shooting**

The St. Anthony Police Department shall ensure that an investigation is conducted of all incidents that are of a critical nature where the involved employee acted within the course and scope of employment and which included, but are not limited to:

1. Officer involved use of deadly force through the discharge of a firearm.
2. Any incident that has caused or is likely to have caused great bodily harm or death to any person to include St. Anthony Police Department employees.

3. Any incident deemed critical by the Chief or his designee.

Purpose

The purpose of this policy is to provide guidelines and procedures that shall be uniformly applied following critical incidents to ensure that a thorough and objective investigation is conducted. It is also the purpose of this policy to provide guidelines and procedures to ensure that appropriate action is taken after critical incidents to safeguard the well being of all involved personnel.

Definitions

Detective: The investigator(s) from the agency which is conducting the investigation of the critical incident.

Equipment: This term includes but is not limited to: firearms, taser, magazine, ammunition, baton, flashlight, uniform, boots, etc.

Escort: An officers assigned by the First Responding Supervisor to stay with involved employee(s) and/or witness employee(s) until the escort is relieved. Escorts shall be of the rank of sergeant or above whenever possible.

First Responding Assisting Employees: The first employees who respond to a critical incident.

First Responding Supervisor: The First St. Anthony Police Department supervisor responding to a critical incident who was not involved in the incident as neither an involved person nor involved witness.

Great Bodily Harm: Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

SAPD Incident Commander: The first POST licensed St. Anthony Police Department supervisor responding to a critical incident after the First Responding Supervisor.

Investigating Entity: The Hennepin County Sheriff's Department or Bureau of Criminal Apprehension that may be conducting the critical incident investigation.

Investigation Headquarters: The St. Anthony Police Department or other location designated by the lead detective at which involved employees and witness employees gather immediately following a critical incident to meet with legal counsel, detectives and to surrender equipment.

Involved Employee: Any employee who appears to have engaged in conduct constituting a critical incident. This also includes an employee who is a victim of a critical incident.

Lead Detective: The lead investigator of the critical incident or their designee. The lead detective shall be from the investigating entity.

Report: Any written documentation from any reporting system used by the St. Anthony Police Department.

Witness Employee: An employee who witnesses a critical incident, but did not engage in any conduct constituting a critical incident.

Procedure

Whenever an employee of the St. Anthony Police Department is involved in a critical incident, they shall immediately notify a supervisor. If the incident occurs outside of St. Anthony the employee shall immediately notify the responsible law enforcement agency with jurisdiction and their supervisor.

Employees involved in critical incidents can be profoundly affected by the incident. **Anyone dealing with an employee involved in a critical incident shall follow these guiding principles:**

- Do not leave employee alone or ignore them
- Do not take an involved employee's firearm unless a supervisor has reason to believe that the involved employee poses a threat to themselves or to others, or unless directed by the lead detective.
- Do not allow employee(s) to talk about the incident to anyone at the scene, except to provide sufficient information to enable the primary responders or detective to ensure public safety, officer safety, and to preserve the scene.
- Unless there is an identifiable reason for doing so, (i.e. destroying obvious evidence such as washing blood off hands), do not deny an employee who requests access to:
 - Food and drink
 - Restroom facilities
 - Telephone to contact family and/or significant person
 - A union or labor representative
 - A chaplain or other clergy
 - Legal counsel

Responsibilities

The Chief or his Designee

- Determine whether the St. Anthony Police Department or an outside agency will become the investigating entity.

- Determine whether a criminal investigation is necessary
- Direct the Public Information Officer, if appropriate, to contact the media and coordinate all media inquiries on the critical incident.

St. Anthony Police Department Incident Commander

- Notify the following persons:
 - The Chief or his designee
 - The Hennepin County Sheriff's Office and/or the BCA to conduct the investigation. The BCA should be used for all incidents occurring outside the Hennepin County portion of St. Anthony.
- Assume command of the scene upon arrival.
- Ensure that the First Responding Supervisor has carried out all duties.
- Determine when the involved employee(s) and witness employee(s) may leave the scene for drug testing and/or transport to Investigation Headquarters.
- Inform the Chief or his designee of the facts so they can determine if the incident requires a criminal investigation, and if so, who the investigating entity will be.
- If the Chief or his designee has determined there will be a criminal investigation, ensure the investigating entity has assumed command of the critical incident.

First Responding Supervisor

- Identify involved employee(s) and witness employee(s).
- Obtain from the involved employee(s) only the information needed to ensure public safety, officer safety, and to preserve the scene.
- Reveal no information given to you by the involved employee(s) except what is necessary to protect public safety, officer safety, and to preserve the scene.
- Keep the involved employee(s) and witness employee(s) separated from each other when possible.
- Set up scene boundaries and keep the scene secure.
- Request additional resources and personnel as necessary.
- Assign a POST licensed officer to accompany any injured persons to the hospital.
- Assign an escort(s) to accompany the involved employee(s) to the hospital for alcohol and drug testing and/or to investigation headquarters with instructions not to discuss the incident with each other or other person(s).
- Determine whether an escort will be assigned to the witness employee(s).

- Allow involved employee(s) and witness employee(s) a reasonable opportunity to contact family members and/or significant persons unless contra-indicated.
- If the involved employee(s) or witness employee(s) have requested legal representation; they shall be allowed to consult in a private setting.
- **The first responding supervisor shall not take or prepare any detailed statements or reports, written or verbal, from the involved employee(s).**
- If directed by the investigating entity, complete a supplemental report documenting supervisory actions taken including times, specific assignments made, and the identities of all personnel involved in the critical incident.

Involved Employee(s)

- Remain at the scene.
- Do not speak to other employees about the critical incident, except to ensure public safety, officer safety, and to preserve the scene.
- Participate in alcohol and drug testing as soon as practical after the incident.
- Upon arrival at investigation headquarters the involved employee(s) must surrender equipment and any other pertinent item(s) needed when requested by a detective.
- After having an opportunity to consult with legal counsel, the legal counsel will inform the lead detective or designee if the involved employee(s) is willing to give a voluntary statement. Involved employee(s) who are able and willing to be interviewed shall be interviewed at investigation headquarters or such other location and time chosen by the lead detective and the involved employee(s).

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Interviews

- All interviews conducted as part of the use of deadly force investigation will be digitally recorded and transcribed unless unusual mitigating circumstances exist which prevent recording of the interview.
- All interviews conducted with the officer(s) who have used deadly force will be voluntary.
- Interviews will be conducted at a time and place determined by BCA Agents and the involved officer and/or their legal representation.

- All non-custodial interviews conducted with the officer(s) who have used deadly force will be presented with the BCA Criminal Investigative Warning. This warning should be reviewed with the officer and they should acknowledge their understanding of the warning.
- All custodial interviews conducted with the officer(s) who have used deadly force will be read the *Miranda* warning.
- When an Investigative Agent is taking a statement from a St. Anthony Police Officer who used or attempted to use deadly force in a critical incident and the incident is captured on video or audio recordings, the following process should normally take place:
 - i. The peace officer will be requested to provide a voluntary interview of the facts and circumstances surrounding the incident.
 - ii. Neither the officer nor their attorney will be permitted to view the video prior to providing a voluntary interview. However, the peace officer may view the video following the voluntary interview if they request to do so to assist in clarifying any portion of their statement. The viewing of the video will be limited to the incident captured on the officer's own dash camera or body worn camera.
 - iii. If the peace officer requests to view the video they will be afforded an opportunity to do so at the conclusion of the voluntary statement. The Investigative Agent should make arrangements to show the video as soon as feasible following the statement. Investigative personnel should be present for the viewing of the video and the officer's legal representation may be present as well. No other persons other than people needed for technical assistance should be present for the viewing of this video.
 - iv. If multiple cameras from other sources captured the incident, the Investigative Agent shall determine if additional video should be shown to the involved officer on a case by case basis.
 - v. At the conclusion of the viewing of this video the peace officer shall be afforded an opportunity to consult privately with their attorney.
 - vi. Once such consultation has occurred, the Investigative Agent shall provide an opportunity to the involved peace officer to clarify any portions of their statement after viewing the video.
- The viewing of videos by witness officers and/or other witnesses will be left to the discretion of the Investigative Agent and should only be done so if the agent believes it may aid in the investigation. Under no circumstances will the video be shown prior to taking an initial statement from any witnesses.
- Investigative Agents may ask officers, subjects and witnesses to complete a voluntary hand-drawn diagram depicting the layout of a deadly force incident. This drawing should be labeled "Not to Scale", as spatial memory can be distorted.
- A determination will be made by the Investigative Agent as to whether witness officer(s) will be interviewed or asked to complete a police report to document the incident. All officer(s)

interviewed by an Investigative Agent will not normally write a police report, as their interview will act as their report. If a report is required to be written by the involved officer via agency policy, the Investigative Agent should work with appropriate agency personnel to determine how to proceed. Investigative Agents should attempt to conduct all interviews as soon as practical.

- Investigative Agents should attempt to canvass the area surrounding the scene for potential witnesses.
- Investigative Agents may conduct additional follow-up interviews with officers, subjects and witnesses as deemed necessary.
- Involved Officers may meet with a designated psychologist within 72 hours for critical incident debriefing.

Witness Employee(s)

- Do not speak to other employees about the critical incident, except to ensure public safety, officer safety, and to preserve the scene.
- Provide a brief verbal account of the incident to the first responding supervisor. The account should include, but is not necessarily limited to, identifying and locating suspects, reporting approximate number and trajectory of rounds fired or exchanged, and any other information deemed pertinent to public or officer safety.
- Prepare an incident report or provide a question and answer statement after being directed to do so by an Investigative Agent after consulting with legal counsel, if desired.
- Meet with an answer any questions from an Investigative Agent.
- May request to meet with a designated psychologist within 72 hours for critical incident debriefing.

Escort

- Assume control of the involved employee or witness employee as directed by the first responding supervisor.
- Take the involved employee from the scene to the alcohol and drug testing site when directed by the St. Anthony Police Department incident commander.
- After test samples are obtained; the escort shall transport the involved employee to investigation headquarters.

- Advise the involved employee or witness employee to remain separate from other involved employee(s) and witness employee(s).
- Remain with the involved employee or witness employee when they are brought to the investigation headquarters and until they are turned over to other supervisory personnel.
- Advise the involved employee or witness employee not to discuss the incident with anyone except an attorney, union representative, or detective.
- Write a report detailing his/her actions, including who had access to the involved employee or witness employee and specifically documenting whether the involved employee or witness employee spoke with anyone about the incident while in the escort's presence.

First Responding Assisting Employee(s)

- Secure the scene until arrival of the first responding supervisor.
- Ensure the witness employee(s) and the involved employee(s) do not discuss the incident.

Relief from Duty

- The involved employee shall be relieved from active duty as soon as possible and may be placed on paid administrative leave.
- Opportunity will be provided for the employee to meet with necessary individuals for critical incident debriefing.
- No involved employee will return to duty status without authorization of the Chief or his designee.
- No involved employee shall be rearmed without the authorization of the Chief or his designee.
- A loaner handgun will be given to the involved employee at the authorization of the Chief or his designee.

Notification

The Chief shall notify the Commissioner of Public Safety within 30 days of whenever a peace officer discharges a firearm in the course of duty, other than for training purposes or the killing of an animal that is sick, injured, or dangerous per Minnesota State Statute 626.553.

Disclosure to the complainant, of data collected, created, received, or maintained in connection with this policy and procedure shall be governed by the Minnesota Government Data Practices Act.

All data collected, created, or received by the department in connection with this policy and procedure shall be maintained in accordance with the department's retention schedule.

The placement of the disposition report or other data in an employee's personnel file shall be governed by applicable collective bargaining agreements and/or personnel policy.