



INDEPENDENT AUDITOR'S REPORT

Wadena County Sheriff's Office



MAY 4TH, 2024
RAMPART AUDIT LLC

Audit Overview and Recommendations

Dear Wadena County Board and Sheriff Carr:

We have audited the body-worn camera (BWC) program of the Wadena County Sheriff's Office (WCSO) for the two-year period ended 2/26/2024. Minnesota Statute §13.825 mandates that any law enforcement agency operating a portable recording system (PRS)¹ program obtain an independent, biennial audit of its program. This program and its associated data are the responsibility of the Wadena County Sheriff's Office. Our responsibility is to express an opinion on the operations of this program based on our audit.

On March 11, 2024, Rampart Audit LLC (Rampart) met with Sgt. Bryan Savaloja, who provided information about WCSO's BWC program policies, procedures and operations. As part of the audit, Rampart reviewed those policies, procedures and operations for compliance with Minnesota Statute §626.8473, which sets forth the requirements for creating and implementing a BWC program, and Minnesota Statute §13.825, which governs the operation of BWC programs. In addition, Rampart also conducted a sampling of BWC data to verify WCSO's recordkeeping.

The purpose of this report is to provide an overview of this audit, and to provide recommendations to improve the WCSO BWC program and enhance compliance with statutory requirements.

WCSO BWC Program Implementation and Authorization

Effective August 1, 2016, Minnesota Statute §626.8473 Subd. 2 requires that:

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.

Rampart previously audited the Wadena County Sheriff's Office's BWC program in 2022. As part of that audit, we were advised that WCSO's BWC program was implemented on February 27, 2020. WCSO personnel provided a copy of the announcement of a public comment period to be held during the Wadena County Board's March 9, 2021, meeting for the purpose of discussing WCSO's BWC program. We noted that this public comment date was after the implementation date. We were also provided a copy of the minutes from that Wadena County Board meeting, which included an explanation from Wadena County Attorney Kyra Ladd that the failure to hold a public hearing prior to purchasing and

¹ It should be noted that Minnesota statute uses the broader term "portable recording system" (PRS), which includes body-worn cameras. Because body-worn cameras are the only type of portable recording system employed by WCSO, these terms may be used interchangeably in this report.

implementing body-worn cameras was an oversight, and that the March 9, 2021, comment period was intended to bring the WCSO's BWC program into compliance with statutory requirements.

Copies of these documents have been retained in Rampart's audit files. In our opinion, while the Wadena County Sheriff's Office failed to meet the public notice and comment requirements prior to the implementation of their BWC program, they took appropriate steps upon learning of this oversight to bring their program into compliance with §626.8473 Subd. 2.

In addition, §626.8473 Subd. 3(a) requires that the law enforcement agency establish and enforce a written policy governing the use of its portable recording system, and states "[t]he written policy must be posted on the agency's Web site, if the agency has a Web site."

As part of the current audit, Sgt. Savaloja furnished Rampart a copy of WCSO's written BWC policy. Rampart verified that the WCSO website contained a working link to this policy. In our opinion, the Wadena County Sheriff's Office is compliant with the requirements of §626.8473 Subd. 3(a).

WCSO BWC WRITTEN POLICY

As part of this audit, we reviewed WCSO's BWC policy, a copy of which is attached to this report as Appendix A.

Minnesota Statute §626.8473 Subd. 3(b) requires a written BWC policy to incorporate the following, at a minimum:

1. The requirements of section 13.825 and other data classifications, access procedures, retention policies, and data safeguards that, at a minimum, meet the requirements of chapter 13 and other applicable law;
2. A prohibition on altering, erasing or destroying any recording made with a peace officer's portable recording system or data and metadata related to the recording prior the expiration of the applicable retention period under section 13.825 Subdivision 3, except that the full, unedited, and unredacted recording of a peace officer using deadly force must be maintained indefinitely;
3. A mandate that a portable recording system be worn at or above the mid-line of the waist in a position that maximizes the recording system's capacity to record video footage of the peace officer's activities;
4. A mandate that peace officers assigned a portable recording system wear and operate the system in compliance with the agency's policy adopted under this section while performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official;
5. A mandate that, notwithstanding any law to the contrary, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency must allow the deceased individual's next of kin, the legal representative of the deceased individual's next of kin, and the other parent of the deceased individual's child, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request, with the following exception:
 - A law enforcement agency may deny a request if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency

denies access, the chief law enforcement officer must provide a prompt, written denial to the individual who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to section 13.82 subdivision 7;

6. A mandate that, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency shall release all portable recording system data, redacted no more than required by law, documenting the incident no later than 14 days after the incident, unless the chief law enforcement officer asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by section 13.82 subdivision 7;
7. Procedures for testing the portable recording system to ensure adequate functioning;
8. Procedures to address a system malfunction or failure, including requirements for documentation by the officer using the system at the time of a malfunction or failure;
9. Circumstances where recording is mandatory, prohibited, or at the discretion of the officer using the system;
10. Circumstances under which a data subject must be given notice of a recording;
11. Circumstances under which a recording may be ended while an investigation, response, or incident is ongoing;
12. Procedures for the secure storage of portable recording system data and the creation of backup copies of the data; and
13. Procedures to ensure compliance and address violations of the policy, which must include, at a minimum, supervisory or internal audits and reviews, and the employee discipline standards for unauthorized access to data contained in section 13.09.

In our opinion, the WCSO BWC policy is compliant with respect to clauses 7 – 11.

Due to their complexity and interrelatedness, clauses 1 and 12 are discussed separately below. Clause 13 is also discussed separately.

Clauses 2 – 6 are newly added as a result of 2023 legislation and will also be discussed separately below.

WCSO BWC Data Retention

The Wadena County Sheriff's Office BWC policy states that "all recordings will be retained for a period consistent with the requirements of the organization's retention schedule but in no event for a period less than 180 days." In reviewing the retention schedule, which is included as an appendix to the written BWC policy, we noted a "Test/Delete" category with a listed retention period of three (3) days. Sgt. Savaloja indicated that this category is used for test recordings created at the start of a deputy's shift to verify BWC functionality. §13.825 Subd. 3(a) specifies a minimum retention period of 90 days for any BWC data not subject to a statutorily-defined longer retention period; consequently, such test recordings must be retained for a minimum of 90 days.

§13.825 Subd. 3(b) specifies a minimum retention period of one year for BWC data that document any of the following:

1. The discharge of a firearm for purposes other than training or dispatching an animal;
2. The use of force by a peace officer that results in substantial bodily harm; or

3. An incident that results in a formal complaint being made against a peace officer.

§13.825 Subd. 3(c) specifies that BWC data documenting a peace officer's use of deadly force must be maintained indefinitely.

§13.825 Subd. 3(d) specifies that when so requested in writing by a data subject, an agency shall retain BWC data for an additional period of up to 180 days.

In reviewing the retention schedule, we noted that it does not explicitly address any of the categories of BWC data listed in Subd. 3(b) or (c). The schedule does, however, address the Subd. 3(d) requirement.

As discussed in Clause 2 of the Policy section of this report, WCSO's BWC policy states that "[n]o portable recording system data may be altered, erased, or destroyed prior to the expiration of the applicable retention period."

Prior to the issuance of this report, WCSO submitted a revised BWC policy to address issues identified during this audit. This updated policy includes an amended retention schedule which clarified that the minimum retention period is 90 days for all BWC video, including test recordings, and added the specific retention requirements identified in §13.825 Subd. 3(b) and (c). A copy of this updated policy with the revised retention schedule is attached to this report as Appendix B.

WCSO employs both WatchGuard and Motorola² branded body-worn cameras. WCSO previously stored BWC data using a virtual on-site server that was mirrored to a secure off-site server at a second county-owned facility to create a backup; however, WCSO has now migrated its BWC data to the WatchGuard Cloud service, with retention determined automatically, based on the data classification assigned to each video at the time of upload. If a deputy fails to assign a data classification, the default retention period is 90 days.

WCSO's BWC policy states that each member using a BWC "should download, tag or mark the recordings in accordance with procedure and document the existence of the recording in any related case report." Sgt. Savaloja explained that the WatchGuard BWC system employs an automated wireless upload function, but a BWC can also be physically docked in order to upload videos manually if necessary. Deputies are required to assign the appropriate data label or labels to each file at the time of the upload, unless this was completed when the file was initially created.

In our opinion, WCSO's revised BWC policy is compliant with respect to applicable data retention requirements.

WCSO BWC Data Destruction

As discussed above, WCSO's BWC data are stored on WatchGuard's cloud-based storage service, WatchGuard Cloud, with data retention and deletion schedules managed automatically through the Evidence Library video management software based on the assigned data classification of each video.

² Motorola acquired WatchGuard in 2019 and is in the process of rebranding under the Motorola corporate name; however, numerous products are still in use under the WatchGuard name.

WatchGuard utilizes Microsoft's Azure Government environment for cloud storage. Microsoft certifies this environment as being compliant with the current Federal Bureau of Investigation Criminal Justice Information Services Division Security Policy (5.9.2), and notes that it has signed CJIS management agreements with 45 of the 50 U.S. states, including Minnesota, to verify compliance with state CJIS requirements.

FBI CJIS policy requires that hard drives used for CJIS data storage are sanitized by overwriting at least three times or degaussing prior to being released to unauthorized individuals, while inoperable drives must be destroyed through physical means such as shredding.

WCSO BWC data are copied to optical disc (DVD) when required for evidentiary purposes. All such discs are maintained in evidence until they are no longer needed, at which time they are destroyed through physical shredding.

In our opinion, the Wadena County Sheriff's Office is compliant with respect to the applicable data destruction requirements.

WCSO BWC Data Access

WCSO's BWC policy states that the custodian of records is responsible for reviewing requests from members of the public or the media for access to BWC data. Sgt. Savaloja identified the records manager as the employee assigned to review such requests. All such requests are processed in "compliance with the Minnesota Data Practices Act... and in accordance with the Records Maintenance and Release Policy," and must be approved by the sheriff.

WCSO's BWC policy also states that "Law enforcement Officers from other agencies shall submit a written request for any non-public recordings. This written request shall include the specific law enforcement purpose for which the recording is sought." Sgt. Savaloja advised us that in instances in which WCSO assists the requesting agency with a call, BWC data from the call may be shared with that agency based on a telephonic request. Existing verbal agreements address those agencies' obligations under §13.825 Subd. 7 and Subd. 8, which include a requirement to maintain BWC data security.

BWC recordings are furnished to prosecutors automatically as part of the case submission process. In all cases, data sharing is accomplished via DVD.

We encourage WCSO to obtain written requests from partner agencies for BWC data and to retain copies of these requests.

WCSO BWC Policy section 423.7 Review of Recorded Media Files identifies the specific law enforcement purposes for which a deputy is allowed to access another deputy's BWC data. In all cases, supervisory approval is required.

As discussed in Clauses 5 and 6 of the Policy section of this report, the Minnesota State Legislature in 2023 added specific access requirements related to BWC data that document deadly force incidents, and specified that these requirements must be included in the agency's BWC policy. At the time of our audit, WCSO had not updated its BWC policy to address these requirements. As noted above, prior to

the issuance of this report, WCSO submitted a revised BWC policy which adds the entire text of §13.825 Subd. 2 to ensure compliance with the new statutory requirements.

In our opinion, WCSO's revised BWC policy is compliant with respect to the applicable data access requirements.

WCSO BWC Data Classification

WCSO's BWC policy states that "[e]xcept as provided by §13.825 Subd. 2, audio/video recordings are considered private or nonpublic data."

As noted in the preceding section, prior to the issuance of this report, Wadena County Sheriff's Office furnished a revised BWC policy to address the 2023 legislative updates regarding data documenting incidents involving the use of deadly force. The updated policy adds the text of §13.825 Subd. 2 to ensure compliance with the statutory revisions.

In our opinion, this revised policy is compliant with respect to the applicable data classification requirements.

WCSO BWC Internal Compliance Verification

The WCSO BWC Review of Recorded Media section states that "Recorded files may... be reviewed... [b]y a supervisor as part of internal audits and reviews as required by Minn. Stat. §626.8473," while the Accountability section states that "[t]he Coordinator shall establish regular intervals at which they will conduct a review of audio/video recorder data to ensure compliance with Sheriff's Office policy and Minnesota Statutes, Chapter 13."

Sgt. Savaloja advised us that he reviews a random sample of BWC videos on a monthly basis.

As discussed in Clause 4 of the Policy Section of this report, the 2023 legislative changes require that an agency's BWC policy must specify that a deputy assigned a BWC must wear and operate the system in compliance with the agency's BWC policy while performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official.

Prior to the issuance of this report, WCSO submitted a revised version of their BWC policy adding the language described in the preceding paragraph.

WCSO's written BWC policy states that "[a]ny member who accesses or releases recordings without authorization may be subject to discipline," and refers the member to the Standards of Conduct and Protected Information policies, copies of which are attached to this report as Appendix C. These policies address both administrative and potential criminal consequences associated with unauthorized access to, or misuse of, BWC data.

In our opinion, this revised policy is compliant with respect to the compliance and disciplinary requirements contained in §626.8473 Subd. 3(b)(8).

WCSO BWC Program and Inventory

WCSO currently possesses fifteen (15) WatchGuard and one (1) Motorola body-worn cameras.

In reviewing the WCSO BWC policy, we noted that section 423.9 states that “[m]embers are prohibited from using personally owned recording devices while on-duty,” which is consistent with the §13.825 Subd. 6 requirement that a peace officer use only a device that is owned and maintained by his or her agency.

The WCSO BWC policy identifies those circumstances in which deputies are expected to activate their body-worn cameras, as well as circumstances in which they are prohibited from activating their body-worn cameras. The policy also provides guidance for those circumstances in which BWC activation is deemed discretionary. The body-worn cameras are synced to the squad camera systems and are activated automatically anytime the squad’s emergency lights are activated.

The WCSO BWC policy states that “[u]niformed members should wear the recorder in a conspicuous manner at or above the mid-line of the waist...” as specified in Clause 3 of the policy section of this report.

Sgt. Savaloja advised us that he is able to determine the number of BWCs deployed by reviewing the schedule and/or payroll data.

As of the audit date, March 11, 2024, WCSO maintained BWC data comprising 2,330 events.

WCSO BWC Physical, Technological and Procedural Safeguards

WCSO BWC data are initially recorded to a hard drive in each deputy’s BWC. Upon returning to the Wadena County Sheriff’s Office, BWC data are then uploaded automatically via a wireless connection to WatchGuard Cloud. BWCs can also be physically docked if the wireless upload fails. Sgt. Savaloja reviews BWC recordings monthly and classifies any unlabeled videos to guard against the accidental loss of data.

Deputies have view-only access to all BWC data, subject to restrictions set forth in the Review of Recorded Media Files section of the BWC policy, but are only able to assign labels to their own videos.

Enhanced Surveillance Technology

WCSO currently employs BWCs with only standard audio/video recording capabilities. They have no plans at this time to add enhanced BWC surveillance capabilities, such as thermal or night vision, or to otherwise expand the type or scope of their BWC technology.

If WCSO should obtain such enhanced technology in the future, Minnesota Statute §13.825 Subd. 10 requires notice to the Minnesota Bureau of Criminal Apprehension within 10 days. This notice must include a description of the technology and its surveillance capability and intended uses.

Data Sampling

Rampart selected a random sample of 132 CFSs from which to review any available BWC recordings. It should be noted that not every call will result in a deputy activating his or her BWC. For example, a deputy who responds to a driving complaint but is unable to locate the suspect vehicle would be unlikely to activate his or her BWC. It should also be noted that because the audit covers a period of two years, while most BWC data is only required to be retained for 90 days, there is a significant likelihood that the sample population will include CFSs for which BWC data was created, but which has since been deleted due to the expiration of the retention period. The auditor reviewed the retained BWC videos to verify that this data was accurately documented in WCSO records.

All reviewed videos were retained consistent with WCSO's retention schedule.

Audit Conclusions

In our opinion, the Wadena County Sheriff's Office's Body-Worn Camera Program is substantially compliant with Minnesota Statutes §13.825 and §626.8473 as of the date of this report.

Daniel Gazelka

Daniel E. Gazelka

Rampart Audit LLC

5/07/2024

APPENDIX A:

Policy 423 Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Copyright Lexipol, LLC 2024/01/08, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Portable Audio/Video Recorders - 1 Portable Audio/Video Recorders 423.1 PURPOSE AND SCOPE This policy provides guidelines for the use of portable audio/video recording devices by members of this office while in the performance of their duties (Minn. Stat. § 626.8473). Portable audio/video recording devices include all recording systems whether body-worn, hand-held, or integrated into portable equipment. This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any Wadena County Sheriff's Office facility, undercover operations, wiretaps, or eavesdropping (concealed listening devices).

423.1.1 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.

423.2 POLICY The Wadena County Sheriff's Office 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 Office by accurately capturing contacts between members of the Office and the public.

423.3 MEMBER PRIVACY EXPECTATION All recordings made by members on any office-issued device at any time or while acting in an official capacity of this office, regardless of ownership of the device, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

423.4 MEMBER RESPONSIBILITIES Prior to going into service, uniformed members will be responsible for making sure that they are equipped with a portable recorder issued by the Office, 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 their supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner at or above the mid-line of the waist and notify persons that they are being recorded, whenever reasonably practicable (Minn. Stat. § 626.8473). See attachment: BWC Test Procedure.pdf 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 Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Portable Audio/Video Recorders Copyright Lexipol, LLC 2024/01/08, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Portable Audio/Video Recorders - 2 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 their 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.

423.5 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 will activate the recorder any time the member believes it would be appropriate or valuable to record an incident, and anytime a "Call For Service" is generated where the member is in contact with the general public (exceptions listed below). 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 Dispatch (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording The recorder should not be activated in any of the following situations: (a) When attending public events, such as; school functions, fairs, picnics ect. (b) When entering a medical facility (HIPAA laws), (*Activation allowed only for recording investigative statements.*) (c) Civil Commitment Transports (d) Whenever a "Call For Service " is generated and the activity reflects the above mentioned situations 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. Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Portable Audio/Video Recorders Copyright Lexipol, LLC 2024/01/08, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Portable Audio/Video Recorders - 3 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. 423.5.1 CESSATION OF RECORDING Once activated, the portable recorder should 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 stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident. 423.5.2 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 Office 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 office member without a court order unless lawfully authorized by the Sheriff or the authorized designee, for the purpose of conducting a criminal or administrative investigation. 423.5.3 EXPLOSIVE DEVICE Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present. 423.6 IDENTIFICATION AND PRESERVATION OF RECORDINGS To assist with identifying and preserving data and recordings, members should download, tag or mark the recordings in accordance with procedure and document the existence of the recording in any related case report. A member should transfer, tag or mark recordings when the member reasonably believes: (a) The recording contains evidence relevant to potential criminal, civil or administrative matters. (b) A complainant, victim or witness has requested non-disclosure. (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person. (d) Disclosure may be an unreasonable violation of someone's privacy. (e) Medical or mental health information is contained. (f) Disclosure may compromise an under-cover officer or

confidential informant. (g) The recording or portions of the recording may be protected under the Minnesota Data Practices Act. Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Portable Audio/Video Recorders Copyright Lexipol, LLC 2024/01/08, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Portable Audio/Video Recorders - 4 Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording. 423.7 REVIEW OF RECORDED MEDIA FILES When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy 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) By a supervisor as part of internal audits and reviews as required by Minn. Stat. § 626.8473. (b) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation. (c) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case. (d) By media personnel with permission of the Sheriff or the authorized designee. (e) 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. All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). 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; Minn. Stat. § 13.825, Subd. 2). 423.8 COORDINATOR The Sheriff 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. (b) The coordinator should work with the Custodian of Records 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 Protected Information and the Records Maintenance and Release policies). Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Portable Audio/Video Recorders Copyright Lexipol, LLC 2024/01/08, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Portable Audio/Video Recorders - 5 (c) The coordinator should work with the Custodian of Records to identify recordings that must be retained for a specific time frame under Minnesota law (e.g., firearm discharges, certain use of force incidents, formal complaints). (d) Establishing procedures for accessing data and recordings. (a) These procedures should include the process to obtain written authorization for access to non-public data by WCSO members and members of other governmental entities and agencies. (e) Establishing procedures for logging or auditing access. (f) Establishing procedures for transferring, downloading, tagging or marking events. (g) Establishing an inventory of portable recorders including: 1. Total number of devices owned or maintained by the Wadena County Sheriff's Office. 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 Wadena County Sheriff's Office. (h) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9. (i) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is

obtained by the Wadena County Sheriff's Office that expands the type or scope of surveillance capabilities of the office's portable recorders. (j) Ensuring that this Portable Audio/Video Recorders Policy is posted on the Office website. See attachment: Visio-Wadena WG.pdf 423.9 PROHIBITED USE OF AUDIO/VIDEO RECORDERS Members are prohibited from using office-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. Members shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All such recordings shall be retained at the Office. Members are prohibited from using personally owned recording devices while on-duty, Minn. Stat. § 13.825 Subd. 6. Members are prohibited from activating the portable audio/video recorder to record their supervisors, other members, or other co-workers while in the confines of any Sheriff's Office facilities. Unless for training purposes only. Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule. Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Portable Audio/Video Recorders Copyright Lexipol, LLC 2024/01/08, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Portable Audio/Video Recorders - 6 423.10 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 180 days. If an individual captured in a recording submits a written request, the recording shall be retained for an additional time period. The coordinator should be responsible for notifying the individual prior to destruction of the recording (Minn. Stat. § 13.825). Members shall not alter, erase, or destroy any recordings before the end of the applicable records retention period (Minn. Stat. § 626.8473). See attachment: Records Retention Schedule.pdf 423.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy. 423.10.2 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. 423.11 ACCOUNTABILITY Any member who accesses or releases recordings without authorization may be subject to discipline (see the Standards of Conduct and the Protected Information policies) (Minn. Stat. § 626.8473). Wadena Cnty SO Policy Manual Copyright Lexipol, LLC 2024/01/08, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Attachments - 7 Attachments Attachment Wadena Cnty SO Policy Manual Copyright Lexipol, LLC 2024/01/08, All Rights Reserved. Published with permission by Wadena County Sheriff's Office BWC Test Procedure.pdf - 8 BWC Test Procedure.pdf BWC Test Procedure.pdf Attachment Wadena Cnty SO Policy Manual Copyright Lexipol, LLC 2024/01/08, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Visio-Wadena WG.pdf - 9 Visio-Wadena WG.pdf Visio-Wadena WG.pdf Wadena County WatchGuard Page 19 Date Modified Wadena Switches.vsdX 6/9/2022 WC-SVR-6 IP Removed for Sec. WC-LawCore-42 IP Removed for Security WC-LawRack-43 IP-Removed for Security FAN STATUS 1 2 3 Catalyst 4507R+E 4 5 6 7 SUPERVISOR SUPERVISOR 4200ACV OUTPUT FAIL POE ENABLED FAN OK INPUT 1 OK INPUT 2 OK O I O I 100-240V~ 12A 50/60 Hz SWITC HES SHOULD B E IN THE OFF 'O' POSITION TO IN STALL / REMOVE POWER SUPPLIES. FASTENER S MUST BE FULLY EN GA GED PRIOR TO OPERA TING POWER SUPPLY 100-240V~ 12A 50/60 Hz 4200ACV OUTPUT FAIL POE E

NABLED FAN OK INPUT 1 OK INPUT 2 OK O I O I 100-240V~ 12A 50/60 Hz SWITCHES SHOULD BE IN THE OFF 'O' POSITION TO IN STA LL / R EMOVE POWER SUPPLIES. FASTENER S MUST BE FU LLY EN GA GED PR IOR TO OPER ATING POWER SUPPLY 100-240V~ 12A 50/60 Hz WC-CoreCH-111 IP Removed for Sec. HP - 5218 Host IP Removed for Sec. HP - 5218 Host IP Removed for Sec. Firepower 2120 Squad Cars Wadena Court House Wireless Access Point on Top of Court House, Connected to the Law Core. Squad Car Wireless uses DHCP on a separate network. Wadena County Sheriffs Office Deputies access the Watch Guard server through a webpage to upload and access video. The server is part of a High Availability Virtual Cluster System. Wadena County IT is the only department with Admin Access to the server and network. Redundant Fiber Link Fiber Ring inside Court House for Law Core Switch and Host Equipment Attachment Wadena Cnty SO Policy Manual Copyright Lexipol, LLC 2024/01/08, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Records Retention Schedule.pdf - 10 Records Retention Schedule.pdf Records Retention Schedule.pdf

APPENDIX B:

Policy 423 Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Copyright Lexipol, LLC 2024/04/23, All Rights Reserved. Published with permission by Wadena County Sheriff's Office ***DRAFT*** Portable Audio/Video Recorders - 1 Portable Audio/Video Recorders 423.1 PURPOSE AND SCOPE This policy provides guidelines for the use of portable audio/video recording devices by members of this office while in the performance of their duties (Minn. Stat. § 626.8473). Portable audio/video recording devices include all recording systems whether body-worn, hand-held, or integrated into portable equipment. This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any Wadena County Sheriff's Office facility, undercover operations, wiretaps, or eavesdropping (concealed listening devices). 423.1.1 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. 423.2 POLICY The Wadena County Sheriff's Office 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 Office by accurately capturing contacts between members of the Office and the public. 423.3 MEMBER PRIVACY EXPECTATION All recordings made by members on any office-issued device at any time or while acting in an official capacity of this office, regardless of ownership of the device, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings. 423.4 MEMBER RESPONSIBILITIES Prior to going into service, uniformed members will be responsible for making sure that they are equipped with a portable recorder issued by the Office, 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 their supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner at or above the mid-line of the waist and notify persons that they are being recorded, whenever reasonably practicable (Minn. Stat. § 626.8473). See attachment: BWC Test Procedure.pdf 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 Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Portable

Audio/Video Recorders Copyright Lexipol, LLC 2024/04/23, All Rights Reserved. Published with permission by Wadena County Sheriff's Office ***DRAFT*** Portable Audio/Video Recorders - 2 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 their 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. Per section 626.8473, subdivision 3(b)(3); all members to whom this policy applies must comply with the provisions contained in this policy. Deputies assigned a portable recording system must wear and operate the system in compliance with the policies of the Wadena County Sheriff's Office while performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official.

423.5 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 will activate the recorder any time the member believes it would be appropriate or valuable to record an incident, and anytime a "Call For Service" is generated where the member is in contact with the general public (exceptions listed below). 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 Dispatch (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording The recorder should not be activated in any of the following situations: (a) When attending public events, such as; school functions, fairs, picnics ect. (b) When entering a medical facility (HIPAA laws), (*Activation allowed only for recording investigative statements.*) (c) Civil Commitment Transports (d) Whenever a "Call For Service " is generated and the activity reflects the above mentioned situations

Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Portable Audio/Video Recorders Copyright Lexipol, LLC 2024/04/23, All Rights Reserved. Published with permission by Wadena County Sheriff's Office ***DRAFT*** Portable Audio/Video Recorders - 3

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.

423.5.1 CESSATION OF RECORDING

Once activated, the portable recorder should 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 stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident. Deputies may, when deemed necessary, mute the audio for the purposes of sensitive or tactical conversations with other Officers, supervisors and legal counsel.

423.5.2 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 Office 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 office member without a court order unless lawfully authorized by the Sheriff or the authorized designee, for the purpose of conducting a criminal or administrative investigation.

423.5.3 EXPLOSIVE DEVICE Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

423.6 IDENTIFICATION AND PRESERVATION OF RECORDINGS To assist with identifying and preserving data and recordings, members should download, tag or mark the recordings in accordance with procedure and document the existence of the recording in any related case report. A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an under-cover officer or confidential informant.
- (g) The recording or portions of the recording may be protected under the Minnesota Data Practices Act.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

423.7 REVIEW OF RECORDED MEDIA FILES When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy 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) By a supervisor as part of internal audits and reviews as required by Minn. Stat. § 626.8473.
- (b) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- (c) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (d) By media personnel with permission of the Sheriff or the authorized designee.
- (e) 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. All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). 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; Minn. Stat. § 13.825, Subd. 2). In all cases, recordings shall only be accessed for legitimate law enforcement or data administration purposes. Prior to accessing recordings, staff shall document the specific law

Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Portable Audio/Video Recorders Copyright Lexipol, LLC 2024/04/23, All Rights Reserved. Published with permission by Wadena

County Sheriff's Office ***DRAFT*** Portable Audio/Video Recorders - 5 enforcement purpose for the viewing of the recording in the Event Notes section of the Event Details associated with the recording. Law enforcement Officers from other agencies shall submit a written request for any non-public recordings. This written request must include the specific law enforcement purpose for which the recording is sought. 423.8 COORDINATOR The Sheriff 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. (b) The coordinator should work with the Custodian of Records 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 Protected Information and the Records Maintenance and Release policies). (c) The coordinator should work with the Custodian of Records to identify recordings that must be retained for a specific time frame under Minnesota law (e.g., firearm discharges, certain use of force incidents, formal complaints). (d) Establishing procedures for accessing data and recordings. (a) These procedures should include the process to obtain written authorization for access to non-public data by WCSO members and members of other governmental entities and agencies. (e) Establishing procedures for logging or auditing access. (f) Establishing procedures for transferring, downloading, tagging or marking events. (g) Establishing an inventory of portable recorders including: 1. Total number of devices owned or maintained by the Wadena County Sheriff's Office. 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 Wadena County Sheriff's Office. (h) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9. (i) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Wadena County Sheriff's Office that expands the type or scope of surveillance capabilities of the office's portable recorders. (j) Ensuring that this Portable Audio/Video Recorders Policy is posted on the Office website. See attachment: Visio-Wadena WG.pdf Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Portable Audio/Video Recorders Copyright Lexipol, LLC 2024/04/23, All Rights Reserved. Published with permission by Wadena County Sheriff's Office ***DRAFT*** Portable Audio/Video Recorders - 6 423.9 PROHIBITED USE OF AUDIO/VIDEO RECORDERS Members are prohibited from using office-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. Members shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All such recordings shall be retained at the Office. Members are prohibited from using personally owned recording devices while on-duty, Minn. Stat. § 13.825 Subd. 6. Members are prohibited from activating the portable audio/video recorder to record their supervisors, other members, or other co-workers while in the confines of any Sheriff's Office facilities. Unless for training purposes only. Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule. 423.10 RETENTION OF RECORDINGS (a) Portable recording system data that are not active or inactive criminal investigative data and are not described in paragraph (b) or (c) must be maintained for at least 90 days and destroyed according to the agency's records retention schedule approved pursuant to section 138.17. (b) Portable recording system data must be maintained for at least one year and destroyed according to the agency's records retention schedule approved pursuant to section 138.17 if; (1) the data document (i) the discharge of a firearm by a peace officer in the course of duty if a notice is

required under section 626.553, subdivision 2, or (ii) the use of force by a peace officer that results in the substantial bodily harm; or (2) a formal complaint is made against a peace officer related to the incident. (c) Portable recording system data that document a peace officer's use of force must be maintained indefinitely. (d) If a subject of the data submits a written request to the law enforcement agency to retain the recording beyond the applicable retention period for possible evidentiary or exculpatory use related to the circumstances under which the data were collected, the law enforcement agency shall retain the recording for an additional time period requested by the subject fo up to 180 days and notify the requester that the recording will then be destroyed unless a new request is made under this paragraph. (e) Notwithstanding paragraph (b), (c), or (d), a government entity may retain a recording for as long as reasonably necessary for the possible evidentiary of exculpatory use related to the incident with respect to which the data were collected. Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Portable Audio/Video Recorders Copyright Lexipol, LLC 2024/04/23, All Rights Reserved. Published with permission by Wadena County Sheriff's Office ***DRAFT*** Portable Audio/Video Recorders - 7 (f) No portable recording system data or metadata may be altered, erased, or destroyed prior to the expiration of the applicable retention period. See attachment: Records Retention Schedule.pdf 423.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy. 423.10.2 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. BWC data may be shared with other Law Enforcement agencies only for the legitimate purposes that are documented in writing at the time of disclosure. BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law. 423.11 ACCOUNTABILITY Any member who accesses or releases recordings without authorization may be subject to discipline (see the Standards of Conduct and the Protected Information policies) (Minn. Stat. § 626.8473). The Coordinator shall establish regular intervals at which they will conduct a review of audio/video recorder data to ensure compliance with Sheriff's Office policy and Minnesota Statutes, Chapter 13. 423.12 423.13 DATA CLASSIFICATION; COURT-AUTHORIZED DISCLOSURE (a) Data collected by a portable recording system are private data on individuals or nonpublic data, subject to the following: (1) data that record, describe, or otherwise document actions and circumstances surrounding either the discharge of a firearm by a peace officer in the course of duty, if a notice is required under section 626.553, subdivision 2, or the use of force by a peace officer that results in substantial bodily harm, as defined in section 609.02, subdivision 7a, are public; (2) data are public if a subject of the data requests it be made accessible to the public, except that, if practicable, (i) data on a subject who is not a peace officer and who does not consent to Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Portable Audio/Video Recorders Copyright Lexipol, LLC 2024/04/23, All Rights Reserved. Published with permission by Wadena County Sheriff's Office ***DRAFT*** Portable Audio/Video Recorders - 8 the release must be redacted, and (ii) data on a peace officer whose identity is protected under section 13.82, subdivision 17, clause (a), must be redacted: (3) subject to paragraphs (b) to (d), portable recording system data that are active criminal investigative data are governed by section 13.82, subdivision 7, and portable recording system data that are inactive criminal investigative data are governed by this section; (4) portable recording

system data that are public personnel data under section 13.43, subdivision 2, clause (5), are public; and (5) data that are not public data under other provisions of this chapter retain that classification. (b) Notwithstanding section 13.82, subdivision 7, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency must allow the following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request, subject to paragraphs (c) and (d): (1) the deceased individual's next of kin; (2) the legal representative of the deceased individual's next of kin; and (3) the other parent of the deceased individual's child. (c) A law enforcement agency may deny a request to inspect portable recording system data under paragraph (b) if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency denies access under this paragraph, the chief law enforcement officer must provide a prompt, written denial to the individual in paragraph (b) who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to section 13.82, subdivision 7. (d) When an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency shall release all portable recording system data, redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the chief law enforcement officer asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by section 13.82, subdivision 7. (e) A law enforcement agency may redact or withhold access to portions of data that are public under this subdivision if those portions of data are clearly offensive to common sensibilities. (f) Section 13.04, subdivision 2, does not apply to collection of data classified by this subdivision. (g) Any person may bring an action in the district court located in the county where portable recording system data are being maintained to authorize disclosure of data that are private or nonpublic under this section or to challenge a determination under paragraph (e) to redact or withhold access to portions of data because the data are clearly offensive to common sensibilities. The person bringing the action must give notice of the action to the law enforcement agency and subjects of the data, if known. The law enforcement agency must give notice to other subjects of Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Portable Audio/Video Recorders Copyright Lexipol, LLC 2024/04/23, All Rights Reserved. Published with permission by Wadena County Sheriff's Office ***DRAFT*** Portable Audio/Video Recorders - 9 the data, if known, who did not receive the notice from the person bringing the action. The court may order that all or part of the data be released to the public or to the person bringing the action. In making this determination, the court shall consider whether the benefits to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency, or to a subject of the data and, if the action is challenging a determination under paragraph (e), whether the data are clearly offensive to common sensibilities. The data in dispute must be examined by the court in camera. This paragraph does not affect the right of a defendant in a criminal proceeding to obtain access to portable recording system data under the Rules of Criminal Procedure. Wadena Cnty SO Policy Manual Copyright Lexipol, LLC 2024/04/23, All Rights Reserved. Published with permission by Wadena County Sheriff's Office ***DRAFT*** Attachments - 10 Attachments Attachment Wadena Cnty SO Policy Manual Copyright Lexipol, LLC 2024/04/23, All Rights Reserved. Published with permission by Wadena County Sheriff's Office ***DRAFT*** BWC Test Procedure.pdf - 11 BWC Test Procedure.pdf BWC Test Procedure.pdf Attachment Wadena Cnty SO Policy Manual Copyright Lexipol, LLC 2024/04/23, All Rights Reserved. Published with permission by Wadena County Sheriff's Office ***DRAFT*** Visio-Wadena WG.pdf - 12 Visio-Wadena WG.pdf Visio-Wadena WG.pdf Wadena County WatchGuard Page 19

Date Modified Wadena Switches.vsdX 6/9/2022 WC-SVR-6 IP Removed for Sec. WC-LawCore-42 IP Removed for Security WC-LawRack-43 IP-Removed for Security FAN STATUS 1 2 3 Catalyst 4507R+E 4 5 6 7 SUPERVISOR SUPERVISOR 4200ACV OUTPUT FAIL POE ENABLED FAN OK INPUT 1 OK INPUT 2 OK O I O I 100-240V~ 12A 50/60 Hz SWITC HES SHOULD B E IN THE OFF 'O' POSITION TO IN STALL / REMOVE POWER SUPPLIES. FASTENER S MUST BE FULLY EN GA GED PRIOR TO OPERA TING POWER SUPPLY 100-240V~ 12A 50/60 Hz 4200ACV OUTPUT FAIL POE E NABLED FAN OK INPUT 1 OK INPUT 2 OK O I O I 100-240V~ 12A 50/60 Hz SWITCHES SHOULD BE IN THE OFF 'O' POSITION TO IN STA LL / R EMOVE POWER SUPPLIES. FASTENER S MUST BE FU LLY EN GA GED PR IOR TO OPER ATING POWER SUPPLY 100-240V~ 12A 50/60 Hz WC-CoreCH-111 IP Removed for Sec. HP - 5218 Host IP Removed for Sec. HP - 5218 Host IP Removed for Sec. Firepower 2120 Squad Cars Wadena Court House Wireless Access Point on Top of Court House, Connected to the Law Core. Squad Car Wireless uses DHCP on a separate network. Wadena County Sheriffs Office Deputies access the Watch Guard server through a webpage to upload and access video. The server is part of a High Availability Virtual Cluster System. Wadena County IT is the only department with Admin Access to the server and network. Redundant Fiber Link Fiber Ring inside Court House for Law Core Switch and Host Equipment Attachment Wadena Cnty SO Policy Manual Copyright Lexipol, LLC 2024/04/23, All Rights Reserved. Published with permission by Wadena County Sheriff's Office ***DRAFT*** Records Retention Schedule.pdf - 13 Records Retention Schedule.pdf Records Retention Schedule.pdf

APPENDIX C:

Policy 320 Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Copyright Lexipol, LLC 2022/01/27, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Standards of Conduct - 1 Standards of Conduct 320.1 PURPOSE AND SCOPE Best Practice This policy establishes standards of conduct that are consistent with the values and mission of the Wadena County Sheriff's Office and are expected of all office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this office or a member's supervisors. 320.1.1 STANDARDS OF CONDUCT FOR PEACE OFFICERS State The Wadena County Sheriff's Office adopts the Professional Conduct of Peace Officers model policy established and published by the Minnesota Board of Peace Officer Standards and Training Board (POST) (Minn. Stat. § 626.8457). This model policy applies to all peace officers of this office. See attachment: MN POST Professional Conduct of Peace Officers Model Policy.pdf The provisions of this policy are in addition to collective bargaining agreements or any other applicable law (see generally Minn. R. 6700.1500). The Office shall report to POST any data regarding the investigation and disposition of cases involving alleged misconduct of deputies (Minn. Stat. § 626.8457, Subd. 3). 320.2 POLICY Best Practice The continued employment or appointment of every member of the Wadena County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action. 320.3 DIRECTIVES AND ORDERS Best Practice Members shall comply with lawful directives and orders from any office supervisor or person in a position of authority, absent a reasonable and bona fide justification. 320.3.1 UNLAWFUL OR CONFLICTING ORDERS Best Practice Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy.

Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order. Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Standards of Conduct Copyright Lexipol, LLC 2022/01/27, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Standards of Conduct - 2

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal. Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued. The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

320.3.2 SUPERVISOR RESPONSIBILITIES Best Practice Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for: (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control. (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy. (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate. (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS Best Practice Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Minnesota constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority. Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty. Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Standards of Conduct Copyright Lexipol, LLC 2022/01/27, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Standards of Conduct - 3

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE Best Practice The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics, and specific action or inaction that is detrimental to efficient office service.

320.5.1 LAWS, RULES AND ORDERS Best Practice (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in office or County manuals. (b) Disobedience of any legal directive or order issued by any office member of a higher rank. (c) Violation of federal, state, local or administrative laws, rules or regulations.

320.5.2 ETHICS Best Practice (a) Using or disclosing one's status as a member of the Wadena County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain

influence or authority for non-office business or activity. (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose. (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted). (d) Acceptance of fees, gifts or money contrary to the rules of this office and/or laws of the state. (e) Offer or acceptance of a bribe or gratuity. (f) Misappropriation or misuse of public funds, property, personnel or services. (g) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM Best Practice Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Standards of Conduct Copyright Lexipol, LLC 2022/01/27, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Standards of Conduct - 4 cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS Best Practice (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity. (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact. (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact. (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office. (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this office.

320.5.5 ATTENDANCE Best Practice (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval. (b) Unexcused or unauthorized absence or tardiness. (c) Excessive absenteeism or abuse of leave privileges. (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE Best Practice MODIFIED (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this office. (b) Disclosing to any unauthorized person any active investigation information. (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this office for personal or Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Standards of Conduct Copyright Lexipol, LLC 2022/01/27, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Standards of Conduct - 5 financial gain or without the express authorization of the Sheriff or the authorized designee. (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any office property for personal use, personal gain, or any other improper or unauthorized use or purpose. (e) Using office resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

320.5.7 EFFICIENCY Best Practice (a) Neglect of duty. (b) Unsatisfactory work performance including but not

limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse. (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work. (d) Unauthorized sleeping during on-duty time or assignments. (e) Failure to notify the Office within 24 hours of any change in residence address or contact numbers. (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion. 320.5.8 PERFORMANCE Best Practice (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation. (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document. (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office--related business. (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members. Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Standards of Conduct Copyright Lexipol, LLC 2022/01/27, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Standards of Conduct - 6 (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members. (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: 1. While on office premises. 2. At any work site, while on-duty or while in uniform, or while using any office equipment or system. 3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition. (g) Improper political activity including: 1. Unauthorized attendance while on-duty at official legislative or political sessions. 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on office property except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff. (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff. (i) Any act on- or off-duty that brings discredit to this office. 320.5.9 CONDUCT Best Practice (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy. (b) Unreasonable and unwarranted force to a person encountered or a person under arrest. (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct. (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another. (e) Engaging in horseplay that reasonably could result in injury or property damage. (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County. (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform. (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office. Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Standards of Conduct Copyright Lexipol, LLC 2022/01/27, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Standards of Conduct - 7 (i)

Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness. (j) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person. (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire. (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action. (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members. 320.5.10 SAFETY Best Practice (a) Failure to observe or violating office safety standards or safe working practices. (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid). (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties. (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty. (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority. (f) Unsafe or improper driving habits or actions in the course of employment or appointment. (g) Any personal action contributing to a preventable traffic collision. (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours. 320.5.11 INTOXICANTS Best Practice (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal. (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance. Wadena County Sheriff's Office Wadena Cnty SO Policy Manual Standards of Conduct Copyright Lexipol, LLC 2022/01/27, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Standards of Conduct - 8 (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site. Wadena Cnty SO Policy Manual Copyright Lexipol, LLC 2022/01/27, All Rights Reserved. Published with permission by Wadena County Sheriff's Office Attachments - 9 Attachments Attachment Wadena Cnty SO Policy Manual Copyright Lexipol, LLC 2022/01/27, All Rights Reserved. Published with permission by Wadena County Sheriff's Office MN POST Professional Conduct of Peace Officers Model Policy.pdf - 10 MN POST Professional Conduct of Peace Officers Model Policy.pdf MN POST Professional Conduct of Peace Officers Model Policy.pdf Page 1 of 5 PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY MN STAT 626.8457 I. POLICY It is the policy of the _____ (law enforcement agency) to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate. II. PROCEDURE 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. Conduct not mentioned under a specific rule but that violates a general principle is prohibited. A. 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. 1. 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. 2. Rules a) Peace officers shall not knowingly exceed their authority in the enforcement of the law. b) 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, except where permitted in the performance of duty under proper authority. c) Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota. d) 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. e) Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer. B. 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. 1. 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. 2. Rules a) Peace officers shall carry out their duties with integrity, fairness and impartiality. Page 2 of 5 b) 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. c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature. d) Peace officers shall take no action knowing it will violate the constitutional rights of any person. e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order 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. f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor. C. PRINCIPLE THREE Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination. 1. 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, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age. 2. Rules a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services. b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age. D. PRINCIPLE FOUR Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community. 1. 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. 2. Rules Page 3 of 5 a) 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 c). b) 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. c) 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. d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, 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. e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures. f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order 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. g) Peace officers, in the course of performing their duties, shall not 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 making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency. h) 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 agency. 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. E. PRINCIPLE FIVE Peace officers shall treat all members of the public courteously and with respect. 1. 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. 2. Rules a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates. Page 4 of 5 b) 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. c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints. F. PRINCIPLE SIX Peace officers shall not compromise their integrity nor that of their agency 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. 1. Rationale: For a 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 agency. 2. Rules a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions. b) 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. c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments. d) 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 their regularly assigned duties. e) Peace officers shall: ♣ not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise; ♣ 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; ♣ not make endorsements of political candidates while on duty or while wearing the agency'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. G. PRINCIPLE SEVEN Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists. 1. Rationale: For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions Page 5 of 5 where those actions would or could conflict with the officer's appropriate responsibilities. 2. Rules a) Unless required by law or policy a peace officer shall 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. b) Unless required by law or policy a peace officer shall 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. c) A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer 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. d) A peace officer 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. H. PRINCIPLE EIGHT Peace officers shall observe the confidentiality of information available to them due to their status as peace officers. 1. 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 agency's commitment to preserving such confidences. 2. Rules a) Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information. b) 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. c) Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy. I. APPLICATION Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by MN RULES 6700.2000 to 6700.2600. PB Rev 01/2011