



INDEPENDENT AUDITOR'S REPORT

Wyoming Police Department



APRIL 23RD, 2025
RAMPART AUDIT LLC

Audit Overview and Recommendations

Dear Wyoming City Council and Chief Bauer:

We have audited the body-worn camera (BWC) program of the Wyoming Police Department (WPD) for the two-year period ended 10/08/2024. 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 Wyoming Police Department. Our responsibility is to express an opinion on the operations of this program based on our audit.

On January 23, 2025, Rampart Audit LLC (Rampart) met with Chief Neil Bauer, who provided information about WPD'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 WPD's recordkeeping.

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

WPD 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 had previously conducted an audit of the WPD in 2022 where Property and Technology Technician/Crime Analyst Kallie Rezny provided documentation showing that the public notification, comment and meeting requirements had been satisfied prior to the implementation of WPD's BWC program on December 15, 2020. Specifically, Technician Rezny furnished the following:

- A screenshot of the public notice posted on WPD's website announcing their plan to implement a BWC program and inviting the public to provide comments electronically, by mail or in person at the November 4, 2020, meeting of the Wyoming City Council.
- The minutes of the November 4, 2020, Wyoming City Council meeting, which noted that the council opened a public hearing to consider "a policy for Body Worn Portable Audio/Video Recording Device." The minutes documented questions submitted by members of the public as well as city council members. After discussing these questions with the Public Safety Director, the city council voted unanimously to approve the proposed BWC policy. Copies of these documents have been retained in Rampart's audit files.

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 WPD, these terms may be used interchangeably in this report.

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.”

Rampart verified that there was a working link to WPD’s BWC policy on the Police Department page of the City of Wyoming’ website. We recommend the updated policy replace the old policy that is currently on the website.

In our opinion, WPD is compliant with the requirements of §626.8473 Subd. 3(a).

WPD BWC WRITTEN POLICY

As part of this audit, we reviewed WPD’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 officer’s activities;
- 4) A mandate that 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) 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 WPD 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.

WPD BWC Data Retention

Minn. Stat. §13.825 Subd. 3(a) establishes a minimum retention period of 90 days for all BWC data not subject to a longer retention period, while §13.825 Subd. 3(b) requires that the following categories of BWC data be retained for a minimum period of one year:

- 1) any reportable firearms discharge;
- 2) any use of force by an officer that results in substantial bodily harm; and
- 3) any incident that results in a formal complaint against an officer.

Meanwhile, Subd. 3(c) requires that any portable recording system data documenting a peace officer's use of deadly force must be maintained indefinitely. Finally, Subd. 3(d) requires that an agency retain BWC recordings for an additional period of up to 180 days when so requested in writing by a data subject.

In the Data Retention section of WPD's BWC policy states that: "[N]on-evidentiary BWC media should be retained in accordance with state records retention laws but in no event for a period less than 90 days (Minn. Stat. § 13.825)." This section does not include the required retention period for each of the individual data categories listed above, except for Subd. 3(c) data, which is addressed as follows in the Data Retention section 431.8.1: "Evidentiary BWC media that documents an officer's use of deadly force must be maintained indefinitely (Minn. Stat. § 13.825; Minn. Stat. § 626.8473)."

This section also states that: "If an individual captured on BWC media submits a written request, the BWC media shall be retained for an additional time period." We suggest adding language to clarify that the department "shall" retain BWC recordings for an additional period of up to 180 days when so requested in writing by a data subject.

In our opinion, Wyoming PD's BWC policy is only partially compliant with the retention requirements contained in Minn. Stat. §13.825 Subd. 3 with the exceptions noted above.

The BWC Media section of WPD's BWC policy also states that: "Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee." As discussed in Clause 2 of the Policy section of this report, a BWC policy must prohibit altering, erasing or destroying not only BWC recordings themselves

prior to their scheduled expiration date, but also any data and metadata² associated with those recordings. While the policy does define BWC footage to include metadata, we recommend adding language to the passage quoted above to clarify that the same prohibitions also apply to any associated data or metadata.

Prior to the issuance of this report, WPD submitted a revised policy that added wording substantially similar to the recommendations to the BWC media definitions and statutory language as well as addressed the other policy changes suggested above. This amended policy has been added to this report as Appendix B.

WPD employs Axon body 4 body-worn cameras and utilizes Axon's evidence.com Cloud Service storage and manages BWC data retention through automated retention settings in the video management software. The retention period for each video is determined by the data classification assigned at the time of upload; however, this retention period can be adjusted by supervisors as needed. If an officer fails to assign a data classification, the default retention period is set to permanent.

WPD's BWC policy states that:

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Department. Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

The policy further states that "[m]embers should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible. ..."

Chief Bauer advised that the Axon 4 body-worn cameras are capable of uploading data wirelessly via WPD squad cars, but also utilize a physical docking station located at the Wyoming Police Department.

In our opinion, WPD's revised BWC policy is substantially compliant with respect to applicable data retention requirements and is attached as Appendix B.

WPD BWC Data Destruction

As discussed above, WPD's BWC data are stored on Axon's cloud-based storage service, evidence.com, with data retention and deletion schedules managed automatically through the evidence.com management software based on the assigned data classification of each video.

Axon describes its evidence.com cloud service as CJIS compliant and notes that the service is routinely and automatically updated to maintain compliance.

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.

In our opinion, WPD's written BWC policy is compliant with respect to the applicable data destruction requirements.

² BWC metadata would commonly include call type or classification and any other associated tags, such as CFS or ICR number, as well as data privacy indicators (e.g., juvenile) that describe or otherwise identify the recording.

WPD BWC Data Access

The Public Access section of WPD's BWC policy states that:

Any person captured on BWC media may have access to the BWC media...Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy. The Administrative Assistant/Records Clerk should review BWC media before public release.

Chief Bauer advised us that that all requests for BWC data from the public or media are made in writing using Wyoming Police Department's data request form. Requests from the public are processed by the WPD property and technology analyst and are fulfilled with the BWC video provided via internet link or thumb drive.

WPD's BWC policy states that "BWC data may be viewed for legitimate department-related purposes..." In addition, Chief Bauer advised that BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law. Requests from other law enforcement agencies, prosecutors and probation personnel follow a different procedure than the public to request BWC data. Any LEO or affiliate entity emails a request to records management staff and/or Chief Bauer and such requests are processed and fulfilled with an emailed evidence.com link.

Chief Bauer indicated that WPD has a general verbal understanding about any receiving agency's obligations under §13.825 Subd. 7 and Subd. 8. Chief Bauer also advised us that each BWC data email sent to a requesting agency contains a security warning regarding security obligations under statute.

Rampart recommends obtaining written acknowledgements of these obligations.

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. A review of policy 431.8.1 EVIDENTIARY BWC MEDIA states in part that "[e]videntiary BWC media that documents an officer's use of deadly force must be maintained indefinitely (Minn. Stat. § 13.825; Minn. Stat. § 626.8473)."

Regarding access to data by survivors and legal counsel, a review of the Officer-Involved Shooting and Deaths policy 305 shows that WPD has incorporated these requirements into its written policy and is attached to this report as Appendix C.

In our opinion, WPD's BWC policy along with policy 305 is compliant with respect to the applicable data access requirements. Rampart recommends that the portion of policy 305 having to do with access to data in a use of deadly force scenario should be replicated within the main BWC policy.

WPD BWC Data Classification

The policy states, "Except as provided by Minn. Stat. § 13.825, Subd. 2 or pursuant to Minn. Stat. § 13.82, Subd. 15, BWC media is considered private or nonpublic data."

The policy also states "Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy. The Administrative Assistant/Records Clerk should review BWC media before public release." WPD BWC Policy also identifies certain categories of BWC data that should not be released to the public.

As noted in the preceding section, WPD has incorporated the changes the Minnesota State Legislature made in 2023 regarding BWC data documenting incidents involving the use of deadly force, including the

requirement that, subject to limited redaction and certain exceptions, such BWC data be released to the public no later than 14 days after the incident within policy 305.

In our opinion, WPD's written BWC policy is compliant with respect to the applicable data classification requirements.

WPD BWC Internal Compliance Verification

Section 431.6.1 TAGGING BWC MEDIA of the WPD BWC policy states that "[s]upervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates." Section 431.7.1 ACCESS AND USE OF BWC MEDIA states in part:

Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible...the Training Sergeant should conduct a quarterly review of a random sampling of BWC media to evaluate department performance and effectiveness...

In our opinion, this satisfies the requirements of §626.8473 Subd. 3(b)(8).

The BWC USE section 431.4(a) notes "[o]nly department-issued BWCs should be used without the express consent of the Chief of Police or the authorized designee (Minn. Stat. § 13.825)."

As there is no exception to the statutory mandate that while on duty, a peace officer may only use a portable recording system issued and maintained by the officer's agency in documenting the officer's activities. Rampart recommends removing the provision regarding the implied exemption with permission noted above.

As discussed in Clause 4 of the Policy section of this report, the 2023 legislative changes require that an agency's BWC policy must require that an officer assigned a BWC 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. The MEMBER RESPONSIBILITIES section 431.3.2 of WPD's BWC policy includes language to address this new requirement: "Members shall comply with this policy's provisions while performing law enforcement activities under the command and control of another law enforcement agency (Minn. Stat. § 626.8473)."

WPD's written BWC policy addresses disciplinary consequences associated with violations of the policy. Because certain violations of Minn. Stat. §13 can be prosecuted as misdemeanors, Rampart recommends adding potential criminal penalties to the policy.

Prior to the issuance of this report, WPD provided a revised policy that addresses all the issues noted above. In our opinion WPD's revised policy is compliant with respect to the compliance and disciplinary requirements contained in §626.8473 Subd. 3(b)(8).

WPD BWC Program and Inventory

WPD currently possesses ten (10) Axon 4 body-worn cameras.

The WPD BWC policy identifies those circumstances in which officers 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.

As discussed in Clause 3 of the Policy section of this report, the 2023 legislative changes require that an agency's BWC policy must specify that a BWC be worn at or above the mid-line of the waist. The MEMBER RESPONSIBILITIES section 431.3.2 of WPD's BWC policy states:

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order. As part of the inspection, the member should perform a function test by activating the BWC and recording a brief video stating their name, identification number, assignment, and the date and time (Minn. Stat. § 13.825; Minn. Stat. § 626.8473). Members should wear their assigned BWC on their outermost garment positioned at or above the mid-line of the waist (Minn. Stat. § 626.8473). Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

Chief Bauer advised us that he is able to determine the number of BWCs deployed by reviewing evidence.com or the shift schedule.

As of January 23, 2025, WPD maintained 6.39 TB BWC videos.

WPD BWC Physical, Technological and Procedural Safeguards

Wyoming PD's BWC Policy states that: "No employee may have access to the department's BWC data except for legitimate law enforcement or data administration purposes."

WPD BWC data are initially recorded to a hard drive in each officer's BWC. Data from each BWC are then uploaded to evidence.com cloud service via either wireless upload in the officer's squad car or a physical docking station located at the Police Department.

Officers have view-only access to their own data for report writing, trial preparation, data administration, investigatory purposes and other legitimate law enforcement purposes, as well as the ability to add or edit case numbers and titles. Supervisors have the ability to view videos created by other personnel; however, all BWC data access is logged automatically and available for audit purposes.

Enhanced Surveillance Technology

WPD currently employs BWCs with only standard audio/video recording capabilities. WPD has 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 WPD 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 calls for service (CFS) from which to review any available BWC recordings. It should be noted that not every call will result in an officer activating his or her BWC. For example, an officer 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 calls 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 WPD records.

Audit Conclusions

In our opinion, the Wyoming Police Department's Body-Worn Camera Program is substantially compliant with Minnesota Statutes §13.825 and §626.8473.

A handwritten signature in black ink, appearing to read "Daniel Gazelka", is written over a horizontal line.

Daniel Gazelka

Rampart Audit LLC

04/23/2025

APPENDIX A:

Policy

420

Wyoming Police Department

LE Policy Manual

Body-Worn Cameras

420.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of body-worn cameras and recording devices by members of this department while in the performance of their duties (Minn. Stat. § 626.8473). Body-worn cameras and 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 Wyoming Police Department facility, undercover operations, wiretaps, or eavesdropping (concealed listening devices).

420.1.1 DEFINITIONS

Definitions related to this policy include:

Body-Worn Camera (BWC) 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.

420.2 POLICY

The Wyoming Police Department may provide members with access to BWC's for use during the performance of their duties. The use of BWC's is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

420.3 COORDINATOR

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

- (a) Establishing procedures for the security, storage, and maintenance of data and recordings.
 - 1. The coordinator 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).
 - 2. 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).

- (b) Establishing procedures for accessing data and recordings.
 - 1. These procedures should include the process to obtain written authorization for access to non-public data by WPD members and members of other governmental entities and agencies.
- (c) Establishing procedures for logging or auditing access.

Wyoming Police Department

Body-Worn Cameras

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

420.4 MEMBER PRIVACY EXPECTATION

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

420.5 MEMBER RESPONSIBILITIES

Prior to going into service, uniformed members will be responsible for making sure that they are equipped with a BWC issued by the Department, and that the BWC is in good working order (Minn. Stat. § 13.825). If the BWC 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 must wear the BWC in a conspicuous manner at or above the mid-line of the waist that maximizes the recording system's capacity to record video footage of the officer's activities and notify persons that they are being recorded, whenever reasonably practicable (Minn. Stat. § 626.8473).

Any member assigned to a non-uniformed position may carry an approved BWC 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 BWC in a conspicuous manner at or above the mid-line of the waist that maximizes the recording system's capacity to record video footage of the officer's activities when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Members assigned a BWC must 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.

Wyoming Police Department

Body-Worn Cameras

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recording was not obtained for any reason or the member deactivated the recording (Minn. Stat. § 626.8473). Members should include the reason for deactivation.

420.6 **ACTIVATION OF THE BODY-WORN CAMERA**

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

The BWC 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 likely encounter a situation that recording would provide evidentiary value
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

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

At no time is a member expected to jeopardize their safety in order to activate a BWC. However, the BWC should be activated in situations described above as soon as reasonably practicable.

Except as otherwise directed, members have the discretion to record or not record incidental general citizen contacts that do not become law enforcement-related or adversarial, and when a recording of the event would not yield information relevant to an ongoing investigation. Examples include but are not limited to, assisting a motorist with directions, summoning a tow truck, or receiving general concerns from a citizen about crime trends in their neighborhood.

Members need not record persons being provided medical care unless there is reason to believe that the recording would document information having evidentiary value.

420.6.1 **CESSATION OF RECORDING**

Once activated, the BWC should remain on continuously until the member reasonably believes that their 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

Wyoming Police Department

Body-Worn Cameras

other breaks from direct participation in the incident.

Wyoming Police Department

Body-Worn Cameras

Members may cease recording under the following situations:

- (a) To protect the identity of an officer in an undercover capacity.
- (b) To protect the identity of an informant.
- (c) If a request is made for a BWC to be turned off by a party being contacted. The member should take into account the overall circumstances and what is most beneficial to all involved, before deciding to honor the request. For example, an officer may choose to turn off the BWC if its operation is inhibiting a victim or witness from giving a statement. Factors to consider may include the type of call and the vulnerability of the victim, such as the victim of a sexual assault.
- (d) Members may temporarily stop recording the audio (tactical mute) only when discussing sensitive tactics with other personnel. The use and justification of the tactical mute must be verbalized with specificity before muting or documented with specificity in the incident report (or CAD notes if no report completed).
- (e) When a supervisor has determined in advance the video or audio data could result in the disclosure of operational or tactical information which would compromise the effectiveness of future actions or jeopardize officer safety if released.
- (f) When it reasonably appears to the officer that an individual's privacy outweighs any legitimate law enforcement interest in recording. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.
- (g) When recording is prohibited by a detention facility, detox, or medical facility.
- (h) At search warrant scenes, the BWC may be deactivated once the entry is complete and the scene is safe. This deactivation would only occur after suspects are arrested and removed from the warrant location. If removing all other occupants is not possible or reasonable, at a minimum the cover officer(s) will have their BWC activated.

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

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

420.6.3 EXPLOSIVE DEVICE

Many 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.

Wyoming Police Department

Body-Worn Cameras

420.7 PROHIBITED USE OF BODY-WORN CAMERAS

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

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

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

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

420.8 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 are prohibited from 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 (b) unredacted recording of a peace officer using deadly force must be maintained indefinitely

420.8.1 RELEASE OF RECORDINGS

Requests for the release of BWC recordings shall be processed in accordance with the Records Maintenance and Release Policy.

420.8.2 ACCESS TO RECORDINGS

Except as provided by Minn. Stat. § 13.825, Subd. 2, BWC 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.

Wyoming Police Department

Body-Worn Cameras

420.9 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.

The Chief of Police or designee will conduct monthly supervisory and/or internal audits and reviews to ensure compliance with the policy.

Recorded files may also be reviewed:

- (a) By a supervisor or designee 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 Department 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 Chief of Police 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).

Members should contact their supervisors to discuss retaining and using BWC device footage for training purposes. Member objections to preserving or using certain footage for training will be considered on a case-by case basis. Field training officers may utilize BWC device data with trainees for the purpose of providing coaching and feedback on the trainee's performance as authorized by a supervisor.

420.10 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).

An independent biennial audit will be conducted of the BWC data to determine if the data is appropriately classified, how the data is used, and whether the data is destroyed per Minn. Stat.

Wyoming Police Department

Body-Worn Cameras

§ 13.82. The results of the audit are public information and will be reported to the Wyoming City Council and the Legislative Commission on Data Practices and Personal Data Privacy no later than 60 days following the completion of the audit (Minn. Stat. § 13.825 Subd. 9).

420.11 COPYING OF RECORDED DATA

Much of the data saved on the server will not be needed for long-term retention and will be automatically purged after a minimal time period or when a determination is made that the data no longer needs to be retained. Other recorded data will require long-term retention and/or transfer to another type of media. Copies of recorded data may be made for the following reasons:

- (a) For use as evidence in court.
- (b) For review by prosecuting or defense attorneys.
- (c) For use in investigating complaints against officers.
- (d) To assist officers and investigators in an investigation.
- (e) For officer review prior to a court appearance.
- (f) For long-term records archiving.
- (g) For use as authorized training material.
- (h) As part of a data request.
- (i) Other uses as approved by the Chief of Police.

The duplication of recorded data from the server to other media is the responsibility of a person(s) designated by the Chief of Police. Requests for duplicate recorded data should be made in writing and submitted to the person(s) designated by the Chief of Police to duplicate data. The data request should include the reason for the request. After use, all duplicates shall be returned to the designee. The copying of all data will be for official business only and subject to Minnesota Data Practices laws. Exceptions shall be approved by the Chief of Police. Data recorded by BWC's and stored on any media is classified as official government data and subject to Minnesota Data Practices.

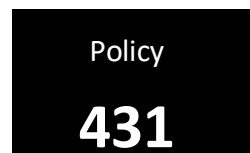
420.12 CATEGORIES AND RETENTION SCHEDULE

Name	Retention Duration	Category Restrictions	Category Information
Uncategorized	Until Manually Deleted	Unrestricted	Video not assigned a category (Officer forgot to choose a category)
Crash	3 years	Unrestricted	Crash
Arrest or Citation	7 years	Unrestricted	Arrest made and/or citation given
Evidence	7 years	Unrestricted	Contains evidentiary value
False Activation	180 days	Unrestricted	Accidental activation
Not Evidence	180 days	Unrestricted	No evidentiary value

Wyoming Police Department

Officer Injury	7 years	Unrestricted	Injury to officer
Pending Review	Until Manually Deleted	Unrestricted	For administrative purposes, when a
<hr/>			supervisory review of call/case/conduct is needed
Pursuit	7 years	Unrestricted	Pursuit
Use of Force	7 years	Unrestricted	Force used
CSC/Homicide	Until Manually Deleted	Unrestricted	CSC/Homicide Case
Deadly Force	Indefinitely	Restricted	Use of Deadly Force

APPENDIX B:



Wyoming Police Department

LE Policy Manual

Body-Worn Cameras

431.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this department and for the access, use, and retention of department BWC media (Minn. Stat. § 626.8473).

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

431.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by department BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

431.2 POLICY

It is the policy of the Department to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and department accountability and transparency while also protecting the privacy of members of the public.

431.3 RESPONSIBILITIES

431.3.1 BWC COORDINATOR RESPONSIBILITIES

The Chief of Police or the authorized designee should delegate certain responsibilities to a BWC coordinator (Minn. Stat. § 13.825; Minn. Stat. § 626.8473).

The responsibilities of the coordinator include:

Wyoming Police Department

Body-Worn Cameras

- (a) Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.
- (b) Developing inventory and documentation procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Department, recording the date each BWC is placed into or taken out of service, and maintaining the following information:
 - 1. The total number of devices owned or maintained by the Wyoming Police Department
 - 2. The 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. The total amount of recorded audio and video data collected by the BWC media systems and maintained by the Wyoming Police Department
- (c) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
 - 1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
- (d) Managing BWC media systems so that:
 - 1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.
 - 2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
 - 3. Procedures include a process to obtain written authorization for access to non- public data by WPD members and members of other governmental entities and agencies.
- (e) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.
- (f) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.
- (g) Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.
- (h) Coordinating with the community relations coordinator to (see the Community Relations Policy):
 - 1. Provide the public with notice of the department's use of BWCs (e.g., posting on the department website or social media pages).
 - 2. Gain insight into community expectations regarding BWC use.

Wyoming Police Department

Body-Worn Cameras

- (i) Coordinating with the Administrative Assistant/Records Clerk to (see the Administrative Assistant/Records Clerk, Records Maintenance and Release, and Protected Information policies):
 - 1. Determine and apply proper retention periods to BWC media (e.g., firearm discharges, certain use of force incidents, formal complaints).
 - 2. Develop procedures for the appropriate release of BWC media.
 - 3. Ensure procedures comply with the requirements of the Minnesota Government Data Practices Act and other applicable laws (Minn. Stat. § 13.01 et seq.).
- (j) Coordinating with the Property Room to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property Room Policy).
- (k) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
- (l) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Wyoming Police Department that expands the type or scope of surveillance capabilities of the department's portable recorders.

431.3.2 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance.

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order. As part of the inspection, the member should perform a function test by activating the BWC and recording a brief video stating their name, identification number, assignment, and the date and time (Minn. Stat. § 13.825; Minn. Stat. § 626.8473).

Members should wear their assigned BWC on their outermost garment positioned at or above the mid-line of the waist (Minn. Stat. § 626.8473). Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

When a BWC is not in the physical possession of the member to which it is assigned, it should be stored in a secure location.

Members shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement (Minn. Stat. § 626.8473).

Members shall comply with this policy's provisions while performing law enforcement activities under the command and control of another law enforcement agency (Minn. Stat. § 626.8473).

431.4 BWC USE

The following guidelines apply to the use of BWCs:

- (a) Only department-issued BWCs should be used (Minn. Stat. § 13.825).
- (b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.

Wyoming Police Department

Body-Worn Cameras

- (c) The use of department-issued BWCs shall be strictly limited to department-related activities.
- (d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
- (e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

431.4.1 PROHIBITIONS

BWCs should not be used to record:

- (a) Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information).
- (b) Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
- (c) Conversations of other members without their knowledge.
- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courtroom unless responding to a call for service or emergency situation.
- (f) Interactions with undercover officers or confidential informants.
- (g) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

431.5 ACTIVATION OF BWC

Members should activate their BWC during all calls for service and the performance of law enforcement-related functions. Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

Wyoming Police Department

Body-Worn Cameras

431.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

431.5.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest in recording the event. Members may also mute or deactivate their BWC:

- (a) To protect the privacy of a victim or witness.
- (b) When an individual wishes to provide information anonymously.
- (c) To avoid recording a confidential informant or undercover officer.
- (d) When discussing case tactics or strategy.
- (e) During private conversations with other members or emergency responders.

Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the department's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

431.5.3 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's BWC in real time. Only supervisors and dispatchers approved by the Chief of Police or the authorized designee shall have access to livestreaming capabilities.

Livestreaming should only be activated:

- (a) For purposes of member safety when the member is not responding to their radio or there is some other indication of distress.
- (b) To assist with situational awareness or tactical decisions during a significant incident.
- (c) When requested by the member.

Wyoming Police Department

Body-Worn Cameras

431.5.4 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

- (a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
- (b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.
- (c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
- (d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.
- (e) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

431.6 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Department.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

431.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

- (a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
- (b) When a member has sustained a serious injury or a line-of-duty death has occurred.
- (c) When a firearm discharge or use of force incident has occurred.

Wyoming Police Department

Body-Worn Cameras

- (d) An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

431.7 BWC MEDIA

All BWC media is the sole property of the Department. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee.

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

431.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines:

- (a) BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.
- (b) Members may review their own BWC media for department-related purposes. Members should document in their report if they reviewed BWC media before completing the report.
- (c) Investigators may review BWC media pertaining to their assigned cases.
- (d) A member testifying regarding a department-related event may review the pertinent BWC media before testifying.
- (e) Supervisors are permitted to access and view BWC media of their subordinates.
 - 1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
 - 2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would

Wyoming Police Department

Body-Worn Cameras

be beneficial to provide guidance or to conduct one-on-one informal training for the member (Minn. Stat. § 626.8473).

3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.
- (f) The Training Sergeant is permitted to access and view BWC media for training purposes.
1. The Training Sergeant should conduct a quarterly review of a random sampling of BWC media to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.
 2. The Training Sergeant may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Sergeant should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.
- (g) The Administrative Assistant/Records Clerk may access BWC media when necessary to conduct department-related duties.
- (h) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.
- (i) Any member who accesses or releases BWC media without authorization may be subject to discipline (see the Standards of Conduct and the Protected Information policies for additional guidance) (Minn. Stat. § 626.8473).

431.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if:

- (a) It is clearly offensive to common sensibilities (Minn. Stat. § 13.82, Subd. 7; Minn. Stat. § 13.825, Subd. 2).
- (b) It unreasonably violates a person's privacy or depicts the interior of:
 1. A private residence.
 2. A facility that offers health care, mental health or substance abuse treatment, or social services.
 3. A school building.
 4. Any other building in which public access is restricted or which implicates heightened security concerns.

Except as provided by Minn. Stat. § 13.825, Subd. 2 or pursuant to Minn. Stat. § 13.82, Subd. 15, BWC media is considered private or nonpublic data.

Wyoming Police Department

Body-Worn Cameras

Any person captured on BWC media may have access to the BWC media. If the individual requests a copy of the BWC media and does not have the consent of other non-law enforcement individuals captured on the BWC media, the identity of those individuals must be blurred or obscured sufficiently to render the person 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 (Minn. Stat. § 13.825, Subd. 4).

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy. The Administrative Assistant/Records Clerk should review BWC media before public release.

See the Officer-Involved Shootings and Deaths Policy regarding BWC media requests pursuant to Minn. Stat. § 13.825 relating to deaths by use of force.

431.8 RETENTION OF BWC MEDIA

Non-evidentiary BWC media should be retained in accordance with state records retention laws but in no event for a period less than 90 days (Minn. Stat. § 13.825).

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

If an individual captured on BWC media submits a written request, the BWC media shall be retained for up to 180 days. The agency will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received (Minn. Stat. § 13.825).

Members shall not alter, erase, or destroy any BWC media, before the end of the applicable retention period. Any member that does so may be subject to discipline and potential criminal charges (Minn. Stat. § 626.8473).

431.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution maintained in the digital evidence storage system according to established department procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Property Room Policy).

Evidentiary BWC media that documents an officer's use of deadly force must be maintained indefinitely (Minn. Stat. § 13.825; Minn. Stat. § 626.8473).

431.9 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

- (a) Proper use of the BWC device and accessories.
- (b) When BWC activation is required, permitted, and prohibited.

Wyoming Police Department

(c) How to respond to an individual's request to stop recording.

~~Body-Worn Cameras~~ **Cameras** of the BWC media systems, including uploading and tagging procedures.

(e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

431.10 CATEGORIES AND RETENTION SCHEDULE

Name	Retention Duration	Category Restrictions	Category Information
Uncategorized	Until Manually Deleted	Unrestricted	Video not assigned a category (Officer forgot to choose a category)
Crash	3 years	Unrestricted	Crash
Arrest or Citation	7 years	Unrestricted	Arrest made and/or citation given
Evidence	7 years	Unrestricted	Contains evidentiary value
False Activation	180 days	Unrestricted	Accidental activation
Not Evidence	180 days	Unrestricted	No evidentiary value
Officer Injury	7 years	Unrestricted	Injury to officer
Pending Review	Until Manually Deleted	Unrestricted	For administrative purposes, when a supervisory review of call/case/conduct is needed. BWC video of any incident that results in a formal complaint against an officer.
Pursuit	7 years	Unrestricted	Pursuit
Use of Force	7 years	Unrestricted	Force used
CSC/Homicide	Until Manually Deleted	Unrestricted	CSC/Homicide Case
Deadly Force	Indefinitely	Restricted	Use of Deadly Force

APPENDIX C:

Policy

305

Wyoming Police Department

LE Policy Manual

Officer-Involved Shootings and Deaths

Wyoming Police Department

305.1 PURPOSE AND SCOPE

Body-Worn Cameras

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

305.2 POLICY

The policy of the Wyoming Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

Incidents involving serious injury, or death will be investigated by an outside law enforcement agency. Ordinarily, the department will call upon the Minnesota Bureau of Criminal Apprehension (BCA). The Chief of Police will decide which outside law enforcement agency should conduct the investigation. Notification of this decision should be forwarded to the selected agency, other affected Chiefs of Police / Sheriffs, and the Medical Examiner (for deaths) as soon as possible.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Wyoming Police Department would control the investigation if the suspect's crime occurred in Wyoming.

Wyoming Police Department

Officer-Involved Shootings and Deaths

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.4.4 POST ADMINISTRATIVE INVESTIGATIONS

The Minnesota POST Board may require an administrative investigation based on a complaint alleging a violation of a statute or rule that the board is empowered to enforce. An officer-involved shooting may result in such an allegation. Any such complaint assigned to this department shall be completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (Minn. Stat. § 214.10, Subd. 10).

305.4.5 COOPERATION WITH BUREAU OF CRIMINAL APPREHENSION INVESTIGATIONS

The Department will fully cooperate with and promptly respond to requests for information from the Bureau of Criminal Apprehension regarding an officer-involved death investigation (Minn. Stat. § 626.5534).

305.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved WPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.

Wyoming Police Department

Officer-Involved Shootings and Deaths

- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.

Wyoming Police Department

Officer-Involved Shootings and Deaths

- (f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved WPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any WPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Emergency Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional WPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - 1. Each involved WPD officer should be given an administrative order not to discuss the incident with other involved officers or WPD members pending further direction from a supervisor.
 - 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.3 SERGEANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the sergeant shall be responsible for coordinating all aspects of the incident until they are relieved by the Chief of Police.

All outside inquiries about the incident shall be directed to the sergeant.

305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Investigation Sergeant

Wyoming Police Department

Officer-Involved Shootings and Deaths

- Critical Incident Response Policy rollout team
- Outside agency investigators (if appropriate)
- Chief of Police supervisor
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - (a) Involved WPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - (b) Requests from involved non-WPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed mental health professional shall be provided by the Department to each involved WPD officer. A licensed mental health professional may also be provided to any other affected WPD members, upon request.
 - (a) Interviews with a licensed mental health professional will be considered privileged.
 - (b) An interview or session with a licensed mental health professional may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed mental health professional prior to providing a formal interview or report.
 - (c) A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved officer and a peer support member, peer support counselors, and critical incident stress management team members are addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Wyoming Police Department

Officer-Involved Shootings and Deaths

Each involved WPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the supervisor to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

The County Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the County Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) WPD supervisors and Chief of Police personnel should not participate directly in any voluntary interview of WPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of the officer's choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED WPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved WPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved WPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/ witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Wyoming Police Department

Officer-Involved Shootings and Deaths

Nothing in this section shall be construed to deprive an involved WPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigation Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the County Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the County Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigation Unit supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Sergeant.

Wyoming Police Department

Officer-Involved Shootings and Deaths

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved WPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Chief of Police and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws (Personnel Complaints Policy; Minn. Stat. § 626.89).

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening in accordance with the drug and alcohol testing guidelines in the Drug- and Alcohol-Free Workplace Policy adopted under the authority of Minn. Stat. § 181.950 to Minn. Stat. § 181.957. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information (Minn. Stat. § 626.89).
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. The interview must be taken at the WPD or at a place agreed to by the interviewer and the involved officer.
 - 3. The interview must be of reasonable duration and provide the involved officer reasonable periods for rest and personal necessities. When practicable, the interview must be held during the involved officer's regularly scheduled work shift. If not, the involved officer must be compensated at his/her current pay rate.
 - 4. If requested, the officer shall have the opportunity to select an uninvolved representative or an attorney, or both, to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
 - 5. Administrative interviews shall be recorded electronically or otherwise by the investigator. The officer may also record the interview. A complete copy or transcript

Wyoming Police Department

Officer-Involved Shootings and Deaths

of the interview must be provided to the involved officer upon written request without charge or undue delay.

Wyoming Police Department

Officer-Involved Shootings and Deaths

6. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed in writing or on the record that the interview will be for administrative purposes only and that the statement cannot be used criminally.
7. The Chief of Police shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
8. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
9. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn video, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

305.9.1 AUDIO AND VIDEO RECORDINGS OF USE OF FORCE INCIDENTS INVOLVING DEATHS OF INDIVIDUALS

When a person dies as a result of the use of force by an officer, the Department shall (Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 626.8473, Subd. 3):

- (a) Allow certain individuals as identified in Minn. Stat. § 13.825, upon request, to inspect all

Wyoming Police Department

Officer-Involved Shootings and Deaths

portable recording system data that documents the incident within five days of the request pursuant to the provisions of Minn. Stat. § 13.825. 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

- (b) Release all portable recording system data that documents the incident within 14 days of the incident pursuant to the provisions of Minn. Stat. § 13.825, 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.

The Chief of Police should work with the Custodian of Records when redactions or denials are necessary (Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 626.8473, Subd. 3).

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Wyoming Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.10.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Sergeant, Investigation Sergeant and Chief of Police in the event of inquiries from the media.

No involved WPD officer shall make any comment to the media unless they are authorized by the Chief of Police.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.12 REPORTING

If an officer discharges a firearm in the course of duty, the Chief of Police shall notify the

Commissioner of Public Safety within 30 days of the reason for and the circumstances surrounding the discharge of the firearm (Minn. Stat. § 626.553).