



INDEPENDENT AUDITOR'S REPORT

Wadena Police Department



JULY 3RD, 2025
RAMPART AUDIT LLC

Audit Overview and Recommendations

Dear Wadena City Council and Chief Plautz:

We have audited the body-worn camera (BWC) program of the Wadena Police Department (WPD) for the two-year period ended 3/14/2025. Minnesota Statute §13.825 mandates that any law enforcement agency operating a portable recording system (PRS)¹ program obtain an independent, biennial audit of its program. This program and its associated data are the responsibility of the Wadena Police Department. Our responsibility is to express an opinion on the operations of this program based on our audit.

On April 11, 2025, Rampart Audit LLC (Rampart) met with Chief Naomi Plautz and Sgt. Brandon Pearson, 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.

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 previously audited WPD's BWC program in 2023. As part of that audit, WPD personnel provided Internet links to the following documents posted on the City of Wadena website as evidence that WPD had met these requirements:

1. A notice announcing a public hearing to be held during the March 9, 2021, Wadena City Council meeting to discuss the proposed BWC program and policy. The notice included an Internet link to

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.

the draft BWC policy, as well as instructions for obtaining a printed copy. It also included an invitation and instructions for providing written comments in advance of the meeting, or oral comments at the meeting.

2. An Internet link to the March 9, 2021, Wadena City Council Meeting Minutes, which note the opening of a public comment period during the regularly-scheduled city council meeting for the purpose of discussing the proposed BWC policy and program.

Copies of these documents have been retained in Rampart's audit files.

Rampart verified that the BWC policy was accessible on the WPD homepage at the time of our audit. We noted a second link to the BWC retention schedule, which is maintained as a separate document.

In our opinion, Wadena Police Department met the public notice and comment requirements prior to the implementation of their BWC program.

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 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.

The Retention of Recordings section of the WPD BWC states: "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," which exceeds the requirements of §13.825 Subd. 3(a). Rampart noted, however, that the separate BWC retention schedule posted on the WPD homepage specified a retention

period of 90 days, contrary to the 180-day minimum specified in the policy, for the following BWC categories:

- Test/Delete,
- Motorist Assist
- Civil Process
- Traffic Warning
- Emergency Operation
- Other/Non Traffic
- Assist Other Agency.

While a 90-day retention period satisfies the requirements of §13.825 Subd. 3(a) for the listed categories, we recommend that WPD review the conflict between the policy and the retention schedule.

The WPD BWC policy does not address retention for the data categories listed in §13.825 Subd. 3(b), nor does the separate retention schedule on its website. Likewise, neither the BWC policy nor the retention schedule addresses the requirements listed in §13.825 Subd. 3(d).

The Data Security Safeguards section of the BWC policy states: "...the full, unedited and unredacted recording of a peace officer using deadly force must be maintained indefinitely," which satisfies the requirements of §13.825 Subd. 3(c).

Rampart recommends including those data categories for which statute provides specific retention requirements within the BWC policy itself, along with the appropriate retention period.

As discussed in Clause 2 of the Policy section of this report, a BWC policy must prohibit altering, erasing or destroying any recording made with a peace officer's portable recording system, as well as associated data or metadata, prior to the expiration of the applicable retention period. This is addressed in the Data Security Safeguards section of the BWC policy, which states:

Officers 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 to the expiration of the applicable retention period under section 13.825 Subdivision 3...

Prior to the submission of this report, WPD furnished an updated BWC policy that addresses the concerns related to retention noted in this section, including the conflicting language between the BWC policy and the retention schedule. A copy of this revised policy has been attached to this report as Appendix B.

WPD employs WatchGuard body-worn cameras and utilizes a secure server that is managed by Wadena County Information Technology staff. WPD manages BWC data retention through automated retention settings in WatchGuard's Evidence Library 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 as needed.

The Access to Recordings section of WPD's BWC policy states that "[t]o assist with identifying and preserving data and recordings, members should download, tag or mark the recordings in accordance with procedure and document the existence of the recording in any related case report." This is accomplished by physically docking the BWC either in the officer's squad or at the Wadena Police Department in order to upload the data via a wireless connection. Officers are required to assign the appropriate data label or labels to each file at the time of capture or transfer to storage.

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

WPD BWC Data Destruction

As noted in the preceding section, WPD's BWC data are stored on a secure server managed by Wadena County IT personnel, with data retention and deletion schedules managed automatically through the Evidence Library video management software based on the assigned data classification of each video.

Rampart previously audited the Wadena County Sheriff's Office's (WCSO) BWC program on March 17, 2022. At that time, WCSO personnel advised us that WCSO BWC data are stored on a secure on-site server and backed-up to a secure, remote server in a second county-owned facility, with data retention and deletion schedules managed automatically based on the data classification assigned to each video. Deleted BWC data are overwritten by newly created files. In addition, at the time it is retired from service, any WCSO-owned physical hard drive used to store BWC data will have all data deleted prior to being destroyed by physical means. Because WPD data are stored on the same servers, the same destruction processes apply to that data as well.

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.

WPD BWC Data Access

The Access to Recordings Subsection of WPD's BWC policy states:

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 in the recording, the identify of those individuals must be blurred or obscured sufficiently to render the subject unidentifiable prior to release.

Members of the public or media seeking access to BWC data submit the PD's Request for Information form, which is available online and in the office. The request is submitted to the Dispatch Secretary and reviewed by Chief Plautz. If approved, the Dispatch Secretary then provides a copy of the video on DVD. Such recordings are subject to redaction as described in §13.825 Subd. 4(b).

WPD's previous BWC policy stated that BWC data "may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented in writing at the time of the disclosure." In addition, BWC data "shall be made available to prosecutors, courts, and other criminal justice entities as provided by law."

These passages were removed by the publisher as part of an update and replaced with language stating that the BWC coordinator is responsible for "[e]stablishing procedures for accessing data and recordings,"

which “...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.”

Despite the revised policy wording, WPD staff advised us that the process remains the same, with requesting agencies submitting a Request for Information form to the Dispatch Secretary, which is then reviewed and approved by Chief Plautz. BWC data requests for other law enforcement agencies or prosecutors are fulfilled via DVD.

WPD personnel advised us that they will review the requirements of §13.825 Subd. 8(b), which addresses a receiving agency’s responsibilities regarding BWC data classification, security and destruction, with the Wadena County Attorney. Rampart recommends that such agreements be made in writing and retained on file.

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. The Release of Audio/Video Recordings subsection of the Retention of Recordings section of WPD’s BWC policy addresses these requirements in language that quotes extensively from the governing statute.

In our opinion, WPD’s BWC policy is compliant with respect to the applicable data access requirements, though we recommend restoring the language from the previous version of the BWC policy stating that BWC data is shared with other agencies only for legitimate law enforcement purposes that are documented in writing at the time of the request. Prior to the submission of this report, WPD furnished a revised BWC policy that restores this language.

WPD BWC Data Classification

The Access to Recordings subsection of the Retention of Recordings section of WPD’s BWC Policy states that “[e]xcept as provided by Minn. Stat. §13.825 Subd. 2, audio/video recordings are considered private or nonpublic data.” This portion of the policy discusses access rights and exceptions in detail, while the Release of Audio/Video Recordings subsection addresses access and classification pertaining to BWC data that document a peace officer’s use of deadly force.

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

WPD BWC Internal Compliance Verification

The Accountability section of WPD’s BWC policy states: “[a]ny member who accesses or releases recordings without authorization may be subject to discipline,” while the Review of Recorded Media Files section of WPD’s BWC Policy states that BWC recordings may be reviewed “[b]y a supervisor as part of internal audits and reviews as required by Minn. Stat. §626.8473.”

WPD staff advised us that such reviews are performed monthly. All reviews are logged and subject to audit by WPD administration.

Because certain violations of Minn. Stat. §13 may be prosecuted as misdemeanors, we recommend that WPD add language to the Accountability section noting that violations of the BWC policy may also result in criminal charges.

As noted in Clause 4 of the Policy section of this report, in 2023 the Minnesota State Legislature added a requirement that an agency's BWC policy 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. At the time of our audit, Wadena Police Department's BWC policy did not include this requirement.

Prior to the submission of this report, WPD furnished an updated BWC policy that addresses this requirement, as well as adding language to note that violations may result in criminal charges. In our opinion, this 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 10 Watchguard Vista WFC1 body-worn cameras, including one retained as a spare that is also used by part-time officers.

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.

WPD personnel advised us that the use of personally-owned recorders is prohibited and highlighted the Member Responsibilities section of the BWC policy, which states: "Prior to going into service, uniformed members will be responsible for making sure they are equipped with a portable recorder issued by the Department, and that the recorder is in good working order."

We noted, however, that the Prohibited Use of Audio/Video Recorders section of WPD's BWC policy states that, "[m]embers are prohibited from using personally owned recording devices while on-duty without the express consent of the Chief of Police," while a second passage states that, "[m]embers are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders."

Minn. Stat. §13.825 Subd. 6 states that, "[w]hile 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 actions." While it appears that WPD is compliant with this requirement in practice, we recommend removing from policy the language allowing the chief of police to authorize the use of personally-owned recording devices.

Prior to the issuance of this report, WPD submitted a revised BWC policy that removed the references to personally-owned recording devices and also added clarifying language stating: "Members are prohibited from using personally owned recording devices while on-duty."

WPD staff advised us that they are able to determine the number of BWCs deployed by reviewing the schedule and/or payroll data.

As of 4/11/2025, WPD maintained 384.738 GB of BWC data files.

WPD BWC Physical, Technological and Procedural Safeguards

WPD BWC data are initially recorded to a hard drive in each officer's BWC. Prior to the end of each shift, the officer places his or her BWC in a docking station either in his or her squad or at WPD. Any BWC data are then uploaded automatically to a secure server that is maintained by Wadena County Information Technology. That server is backed up to a second secure server to guard against the accidental loss of data. Wadena County IT personnel are responsible for managing data security safeguards for those servers. Rampart previously reviewed the Wadena County Sheriff's Office's physical, technological and procedural safeguards as part of our March 17, 2022, audit of that agency's BWC program.

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 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 WPD's BWC policy states: "Uniformed members should wear the recorder in a conspicuous manner at or above the mid-lien of the waist and notify persons that they are being recorded, whenever reasonably practicable." The following paragraph states: "Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever practicable."

Because §626.8473 Subd. 3(b)(2) does not limit the requirement that a BWC be worn at or above the mid-line of the waist only to uniformed personnel, we recommend that WPD amend their BWC policy to direct all personnel using a BWC to wear it at or above the mid-line of the waist. Prior to the completion of this report, WPD submitted a revised BWC policy that addresses this.

Enhanced Surveillance Technology

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

If 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 this 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 auditors reviewed the retained BWC videos to determine whether this data was accurately documented in WPD records.

All reviewed videos were properly identified by CFS number.

Audit Conclusions

In our opinion, the Wadena 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 "Rampart Audit LLC", is written over a horizontal line.

Rampart Audit LLC

7/03/2025

APPENDIX A:

Policy

418

Wadena Police Department Policy Manual

Portable Audio/Video Recorders

418.1 PURPOSE AND SCOPE

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

This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any Wadena Police Department facility, undercover operations, wiretaps, or eavesdropping (concealed listening devices).

418.1.1 DEFINITIONS

Definitions related to this policy include:

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

MGDPA or Data Practices Act: refers to the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.

Records Retention Schedule: refers to the General Records Retention Schedule for Minnesota Cities.

Law enforcement-related information: means information captured or available for capture by use of a Portable Recording Devices that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.

Evidentiary value: means that the information may be useful as proof in a criminal prosecution, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.

General Citizen Contact: means an informal encounter with a citizen that is not and does not become law enforcement-related or adversarial, and 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 wrecker, or receiving generalized concerns from a citizen

about crime trends in his or her neighborhood.

Adversarial: means a law enforcement encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.

Unintentionally recorded footage: is a video recording that results from an officer's inadvertence or neglect in operating the officer's Portable Recording Device, provided that no portion of the

resulting recording has evidentiary value. Examples of unintentionally recorded footage include, but are not limited to, recordings made in station house locker rooms, restrooms, and recordings made while officers were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded.

Official duties: for purposes of this policy, means that the officer is on duty and performing authorized law enforcement services on behalf of this agency.

418.2 POLICY

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

418.3 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.
 - (a) 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.
- (d) Establishing procedures for transferring, downloading, tagging, or marking events.
- (e) Establishing an inventory of portable recorders including:

1. Total number of devices owned or maintained by the Wadena 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 Wadena 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 Wadena Police Department that expands the type or scope of surveillance capabilities of the department's portable recorders.
- (h) Ensuring that this Portable Audio/Video Recorders Policy is posted on the Department website.

418.4 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. The portable recording system should 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.

418.5 MEMBER RESPONSIBILITIES

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

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

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

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the

recording (Minn. Stat. § 626.8473). Members should include the reason for deactivation.

418.6 ACTIVATION OF THE AUDIO/VIDEO RECORDER

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

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

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

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

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

418.6.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or there will be no more evidentiary value obtained in continuing to record.

418.6.2 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.

418.6.3 EXPLOSIVE DEVICE

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

418.7 PROHIBITED USE OF AUDIO/VIDEO RECORDERS

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

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

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Chief of Police. 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.

418.8 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 shall not alter, erase, or destroy any recordings before the end of the applicable records retention period (Minn. Stat. § 626.8473).

418.8.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the MGDPA or Data Practices Act, and Records retention schedule.

Notwithstanding any law to the contrary, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency must allow the deceased individual's next of kin, the legal representative of the deceased individual's next of kin, and the other parent of the deceased individual's child, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request, with the following exception:

A law enforcement agency may deny a request if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency denies access, the chief law enforcement officer must provide a prompt, written denial to the individual who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to section 13.82 subdivision 7.

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.

418.8.2 ACCESS TO RECORDINGS

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

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

- (a) An individual shall be provided with access and allowed to review recorded Portable Recording Devices data about him- or herself and other data subjects in the recording, but access shall not be granted:
- (b) If the data was collected or created as part of an active investigation.
- (c) To portions of the data that the agency would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minn. Stat. § 13.82, subd. 17.

418.9 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark the recordings in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.

- (f) Disclosure may compromise an under-cover officer or confidential informant.
- (g) The recording or portions of the recording may be protected under the Minnesota Data Practices Act.

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

418.10 REVIEW OF RECORDED MEDIA FILES

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

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

Recorded files may also be reviewed:

- (a) By a supervisor as part of internal audits and reviews as required by Minn. Stat. § 626.8473.
- (b) Upon approval by a supervisor, by any member of the 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).

418.11 ACCOUNTABILITY

Any member who accesses or releases recordings without authorization may be subject to discipline (see the Standards of Conduct and the Protected Information policies) (Minn. Stat. § 626.8473).

418.12 DATA SECURITY SAFEGUARDS

The data security safeguards will be handled by the Wadena County IT department personnel.

Wadena Police Department

Access to Portable Recording Devices data from city or personally owned and approved devices shall be managed in accordance with established city policy.

Officers 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 unredacted recording of a peace officer using deadly force must be maintained indefinitely.

As required by Minn. Stat. § 13.825, subd. 9, as may be amended from time to time, this agency shall obtain an independent biennial audit of its Portable Recording Devices program.

APPENDIX B:

Policy

418

Wadena Police Department
Policy Manual

Portable Audio/Video Recorders

418.1 PURPOSE AND SCOPE

State

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

This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any Wadena Police Department facility, undercover operations, wiretaps, or eavesdropping (concealed listening devices).

418.1.1 DEFINITIONS

State

MODIFIED

Definitions related to this policy include:

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

MGDPA or Data Practices Act: refers to the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.

Records Retention Schedule: refers to the General Records Retention Schedule for Minnesota Cities.

Law enforcement-related information: means information captured or available for capture by use of a Portable Recording Devices that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.

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Evidentiary value: means that the information may be useful as proof in a criminal prosecution, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.

General Citizen Contact: means an informal encounter with a citizen that is not and does not become law enforcement-related or adversarial, and 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 wrecker, or receiving generalized concerns from a citizen about crime trends in his or her neighborhood.

Adversarial: means a law enforcement encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.

Unintentionally recorded footage: is a video recording that results from an officer's inadvertence or neglect in operating the officer's Portable Recording Device, provided that no portion of the resulting recording has evidentiary value. Examples of unintentionally recorded footage include, but are not limited to, recordings made in station house locker rooms, restrooms, and recordings made while officers were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded.

Official duties: for purposes of this policy, means that the officer is on duty and performing authorized law enforcement services on behalf of this agency.

418.2 POLICY

Best Practice

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

418.3 COORDINATOR

State

MODIFIED

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

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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.
 - (a) 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.
- (d) Establishing procedures for transferring, downloading, tagging, or marking events.
- (e) Establishing an inventory of portable recorders including:
 - 1. Total number of devices owned or maintained by the Wadena 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 Wadena 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 Wadena Police Department that expands the type or scope of surveillance capabilities of the department's portable recorders.
- (h) Ensuring that this Portable Audio/Video Recorders Policy is posted on the Department website.

418.4 MEMBER PRIVACY EXPECTATION

Best Practice

MODIFIED

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. The portable recording system should 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.

418.5 MEMBER RESPONSIBILITIES

State

MODIFIED

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

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

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

Officers assigned a BWC must wear and operate the system in compliance with their agency's BWC policy while performing law enforcement activities under the command and control of another chief law enforcement officer (CLEO) or federal law enforcement official.

418.6 ACTIVATION OF THE AUDIO/VIDEO RECORDER

Best Practice

MODIFIED

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

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

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

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

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

418.6.1 CESSATION OF RECORDING

Best Practice

MODIFIED

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Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or there will be no more evidentiary value obtained in continuing to record.

418.6.2 SURREPTITIOUS RECORDINGS

State MODIFIED

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.

418.6.3 EXPLOSIVE DEVICE

Best Practice

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

418.7 PROHIBITED USE OF AUDIO/VIDEO RECORDERS

Best Practice MODIFIED

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

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

Members are prohibited from using personally owned recording devices while on-duty.

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

418.8 RETENTION OF RECORDINGS

State MODIFIED

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 90 days. All recordings categorized under Minn. Stat. 13.825 Subd. 3(b) shall be retained for one year.

If an individual captured in a recording submits a written request, the recording shall be retained for an additional 180 days. The coordinator should be responsible for notifying the individual prior to destruction of the recording (Minn. Stat. § 13.825).

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Members shall not alter, erase, or destroy any recordings before the end of the applicable records retention period (Minn. Stat. § 626.8473).

The full, unedited and unredacted recording of a peace officer using deadly force must be maintained indefinitely.

(a) Portable recording system data that are not active or inactive criminal investigative data and are not described in paragraph (b) or (c) must be maintained for at least 90 days and destroyed according to the agency's records retention schedule approved pursuant to section 138.17.

(b) Portable recording system data must be maintained for at least one year and destroyed according to the agency's records retention schedule approved pursuant to section 138.17 if:

(1) the data document (i) the discharge of a firearm by a peace officer in the course of duty if a notice is required under section 626.553, subdivision 2, or (ii) the use of force by a peace officer that results in substantial bodily harm; or

(2) a formal complaint is made against a peace officer related to the incident.

(c) Portable recording system data that document a peace officer's use of deadly force must be maintained indefinitely.

(d) If a subject of the data submits a written request to the law enforcement agency to retain the recording beyond the applicable retention period for possible evidentiary or exculpatory use related to the circumstances under which the data were collected, the law enforcement agency shall retain the recording for an additional time period requested by the subject of up to 180 days and notify the requester that the recording will then be destroyed unless a new request is made under this paragraph.

418.8.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Best Practice

MODIFIED

Requests for the release of audio/video recordings shall be processed in accordance with the MGDPA or Data Practices Act, and Records retention schedule.

Notwithstanding any law to the contrary, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency must allow the deceased individual's next of kin, the legal representative of the deceased individual's next of kin, and the other parent of the deceased individual's child, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request, with the following exception:

A law enforcement agency may deny a request if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency denies access, the chief law enforcement officer must provide a prompt, written denial to the individual who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to section 13.82 subdivision 7.

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

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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.

418.8.2 ACCESS TO RECORDINGS

State MODIFIED

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

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

- (a) An individual shall be provided with access and allowed to review recorded Portable Recording Devices data about him- or herself and other data subjects in the recording, but access shall not be granted:
- (b) If the data was collected or created as part of an active investigation.
- (c) To portions of the data that the agency would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minn. Stat. § 13.82, subd. 17.

418.9 IDENTIFICATION AND PRESERVATION OF RECORDINGS

State MODIFIED

To assist with identifying and preserving data and recordings, members should download, tag or mark the recordings in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

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

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

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of the recording.

418.10 REVIEW OF RECORDED MEDIA FILES

State

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

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

Recorded files may also be reviewed:

- (a) By a supervisor as part of internal audits and reviews as required by Minn. Stat. § 626.8473.
- (b) Upon approval by a supervisor, by any member of the 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).

418.11 ACCOUNTABILITY

State

MODIFIED

Recording data is shared with other agencies only for legitimate LE purposes and that data is documented in writing at the time of the request.

Any member who accesses or releases recordings without authorization may be subject to discipline and or potential criminal consequences (see the Standards of Conduct and the Protected Information policies) (Minn. Stat. § 626.8473).

418.12 DATA SECURITY SAFEGUARDS

Agency Content

Wadena Police Department

The data security safeguards will be handled by the Wadena County IT department personnel.

Access to Portable Recording Devices data from city or personally owned and approved devices shall be managed in accordance with established city policy.

Officers 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.

As required by Minn. Stat. § 13.825, subd. 9, as may be amended from time to time, this agency shall obtain an independent biennial audit of its Portable Recording Devices program.