



INDEPENDENT AUDITOR'S REPORT

Pope County Sheriff's Office



AUGUST 9TH, 2025
RAMPART AUDIT LLC

Audit Overview and Recommendations

Dear Pope County Board and Sheriff Brecht:

We have audited the body-worn camera (BWC) program of the Pope County Sheriff's Office (PCSO) for the two-year period ended 9/30/2023. 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 Pope County Sheriff's Office. Our responsibility is to express an opinion on the operations of this program based on our audit.

On March 7, 2025, Rampart Audit LLC (Rampart) met with Sheriff Tim Riley², Chief Deputy Nathan Brecht and Records Manager Darnell Whittemore, who provided information about PCSO'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 PCSO's recordkeeping.

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

PCSO 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."

Pope County personnel advised us that a public hearing was held on April 20, 2021, regarding the proposed BWC program, which subsequently went live in October of 2021, but did not provide documentation to substantiate this at the time of the audit. Rampart was able to locate the following documentation:

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

² Between the time of the in-person portion of this audit and the completion of this report, Chief Deputy Brecht replaced Tim Riley as the Pope County Sheriff.

- The agenda and minutes of the April 20, 2021, Pope County Board meeting, which included information about the approval of the purchase of a BWC system.
- The agenda and minutes of the October 5, 2021, Pope County Board meeting, which indicated that a public hearing was called for the purpose of reviewing the BWC policy, as well as receiving comments from the public. The minutes noted that no input was received from the public.

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

Pope County personnel subsequently provided a copy of the October 5, 2021, board meeting minutes, as well as a copy of a public hearing notice published in the *Pope County Tribune* on September 20, 2021, which announced the October 5, 2021, public hearing for the purpose of soliciting public comment regarding the proposed BWC policy and program. The notice directed the reader to contact the sheriff's office or visit the sheriff's office's webpage for further information, including copies of the proposed policy. We were unable to locate documentation showing that the public was given an opportunity to submit comments electronically or by mail, as required.

Pope County personnel were unable to identify the exact implementation date of the BWC program, but advised us that it was after the October 5, 2021, public hearing.

Because we are unable to determine whether PCSO provided an opportunity for members of the public to submit comments in writing prior to the hearing, we do not express an opinion as to whether PCSO has satisfied the requirements of §626.8473 Subd. 2. We recommend that PCSO hold a second, after-the-fact hearing to ensure the public is afforded an opportunity to submit comments electronically or by mail as required by statute.

PCSO personnel advised us during the audit that they had recently adopted an updated BWC policy, but had not yet replaced the previous policy on their webpage. We verified that there was a working link to the previous policy as part of our audit.

We recommend that PCSO update the policy on their webpage to fully satisfy the requirements of §626.8473 Subd. 3(a).

PCSO BWC WRITTEN POLICY

As part of this audit, we reviewed PCSO'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 PCSO 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.

PCSO 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 BWC Media section of PCSO'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," which satisfies the requirements of §13.825 Subd. 3(a).

This section of the policy also states that "[i]f an individual captured on BWC media submits a written request, the BWC media shall be retained for an additional time period," but does not include the 180-day period specified in §13.825 Subd. 3(c).

The Evidentiary BWC Media subsection of the policy states that "[e]videntiary media that documents a deputy's use of deadly force must be maintained indefinitely," as required by §13.825 Subd. 3(d).

While we were advised during the audit that all categories of BWC data have a set retention period of one year, except for motorist assists, test recordings, public assists and medical calls, all of which have a retention period of 90 days, the BWC policy does not address the data categories included in §13.825 Subd. 3(b).

Minn. Stat. §626.8473 Subd. 3 (b)(1) states that a BWC policy must incorporate and require compliance with the following: "The requirements of Section 13.825 and other data classifications, access procedures, *retention policies* [italics added], and data security safeguards that, at a minimum, meet the requirements of chapter 13 and other applicable law."

Finally, this section of PCSO's BWC policy states that "[m]embers shall not alter, erase, or destroy any BWC media before the end of the applicable records retention period." PCSO's BWC policy defines "BWC media" to include the "video, audio, and images captured by the office BWCs and the associated metadata;" consequently, this appears to satisfy the requirements discussed in Clause 2 of the Policy section of this report.

Prior to the issuance of this report, PCSO furnished an updated BWC policy that addresses the missing retention requirements discussed above. A copy of the updated policy is attached this report as Appendix B.

PCSO currently employs Motorola body-worn cameras and uses automated settings in the Evidence Library video management system to manage BWC data retention on an in-house server. The retention

period for each video is determined by the data classification assigned at the completion of the recording, but can also be adjusted as needed.

A deputy's Motorola body-worn camera and squad camera are linked; consequently, activating one camera automatically activates the other, provided the two cameras are turned on and within range of each other.

BWCs must be physically docked at the sheriff's office in order to upload recordings to the server. Deputies assign the appropriate label or labels to each file to identify the nature of the data once the upload is complete. These labels then determine the appropriate retention period for each file. If a deputy fails to assign a label, the default retention period is indefinite to avoid the accidental loss of data.

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

PCSO BWC Data Destruction

As discussed above, PCSO BWC data are stored on a server located on-site. BWC data are destroyed through automated deletion and overwriting, based on a retention schedule assigned to each video. In addition, at the time it is retired from service, any PCSO-owned physical hard drive used to store BWC data will be destroyed by physical means under the supervision of Polk County IT staff, specifically through the use of a hard drive punch.

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

PCSO BWC Data Access

Any request for access to BWC data by data subjects would be made in writing to the PCSO Records Department using a specified data request form. The form can be submitted in person or online. Records staff review the request and forward it to the sheriff or chief deputy for approval. Once approved, Records staff fulfill each request in accordance with the provisions of §13.825 Subd. 4(b). BWC video is provided to data subjects via physical media such as DVD or USB memory device, or via an expiring email link.

Though not addressed in the policy, PCSO BWC data is shared with other law enforcement agencies for evidentiary purposes only. All such requests are made by email and reviewed by the chief deputy or sheriff. Existing verbal agreements between PCSO and other area law enforcement agencies address data classification, destruction and security requirements, as specified in §13.825 Subd. 8(b). At the time of the audit, PCSO was evaluating the addition of a written acknowledgment of these requirements from requesting agencies. Access to PCSO BWC data for outside agencies is provided via an expiring email link.

We recommend that PCSO add language clarifying 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. We

also recommend that they obtain a written acknowledgement from any outside law enforcement agency that any BWC data obtained from PCSO will be managed by the requesting agency in compliance with the requirements of §13.825 Subd. 7 and 8. A copy of this written acknowledgment should be maintained on file.

Prior to the submission of this report, PCSO personnel furnished a copy of a newly-created “BWC Data Agency Sharing Form,” which addresses the concerns noted in the preceding paragraph.

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 in Minn. Stat. §626.8473 Subd. 3(b)(4) and (5) that these requirements must be included in the agency’s BWC policy.

Subsection 408.7.2 of PCSO’s BWC policy states: “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.” PCSO did not furnish a copy of this policy to Rampart; however, in our opinion, the statutory language requires that information regarding access to BWC media documenting an officer’s use of deadly force must be specifically included in the agency’s BWC policy.

Prior to the submission of this report, PCSO submitted a revised BWC policy that addresses the issues noted in this section.

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

PCSO BWC Data Classification

PCSO’s written BWC policy notes that “[e]xcept 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.”

While PCSO has not incorporated into their BWC policy the legislative updates discussed in Clauses 5 and 6 of the Policy section of this report pertaining to BWC data that document deadly force incidents, we noted that the relevant data classification updates are contained in §13.825, Subd. 2(b) – (d), and are therefore incorporated by reference.

In our opinion, this satisfies the applicable data classification requirements.

PCSO BWC Internal Compliance Verification

Minnesota Statute §626.8473 Subd. 3(b)(8) requires that a BWC policy contain “procedures to ensure compliance and address violations of the policy, which must include, at a minimum, supervisory or internal audits or reviews...”

Clause (e)2 of the Access and Use of BWC Media subsection of the PCSO BWC policy states that: “Supervisors should conduct documented reviews of their subordinate’s BWC media at least annually to evaluate the member’s performance, verify compliance with office procedures, and determine the need for additional training.” Clause (e)3 states: “Supervisors should conduct periodic reviews of a sample of

each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy." Clause (f)1 states: "The Chief Deputy should conduct a quarterly review of a random sampling of BWC media to evaluate office performance and effectiveness and to identify specific areas where additional training or changes to protocol would be beneficial."

During the audit, we were advised that the chief deputy reviews three BWC videos for each deputy per month.

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

The Member Responsibilities subsection of PCSO's BWC policy states: "Members shall comply with this policy's provisions while performing law enforcement activities under the command and control of another law enforcement agency."

While this language varies somewhat from the statute, which specifies "under the command and control of another chief law enforcement officer or federal law enforcement official," in our opinion, this satisfies the requirements discussed in Clause 4 of the Policy section of this report.

The Access and Use of BWC Media subsection of PCSO's BWC policy states that "[a]ny member who accesses or releases recordings without authorization may be subject to discipline." Because certain violations of Minn. Stat. Chapter 13 can be charged as misdemeanors, we recommend that PCSO add language noting that violations of the BWC policy may also result in criminal prosecution.

Prior to the completion of this report, PCSO furnished an updated BWC policy that addresses possible criminal consequences for misuse of BWC data.

In our opinion, these sections of PCSO's revised BWC policy are substantially compliant with the applicable internal compliance and disciplinary requirements contained in §626.8473 Subd. 3(b)(8).

PCSO BWC Program and Inventory

PCSO currently possesses 12 Motorola body-worn cameras, all of which are assigned to individual deputies.

The PCSO BWC policy identifies those circumstances in which deputies are expected to activate their body-worn cameras, as well as circumstances in which they are prohibited from activating their body-worn cameras. The policy also provides guidance for those circumstances in which BWC activation is deemed discretionary.

The PCSO BWC policy states that "[a]t 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."

While PCSO does not maintain a separate log of BWC deployment or use, PCSO personnel advised us that because each deputy wears a BWC while on duty, the number of BWC units deployed each shift can be determined based on a review of PCSO payroll records. Actual BWC use would be determined based on the creation of BWC data.

PCSO's BWC policy states that "[o]nly Office-issued BWCs should be used without the express consent of the Sheriff or the authorized designee."

Minn. Stat. §13.825 Subd. 6 states: “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.” We recommend that PCSO remove the language allowing the sheriff or designee to authorize the use of personally-owned recording devices, which is prohibited by statute. We recommend that PCSO consider authorizing the use of department-issued cellular phones as substitute BWCs, as these are devices owned and maintained by the agency.

Prior to the completion of this report, PCSO submitted a revised BWC policy that addresses the issue highlighted above. In our opinion, this revised BWC policy is compliant with respect to requirements addressed in this section.

As of the date of the audit, PCSO maintained approximately 14,785.4 GB of BWC data.

PCSO BWC Physical, Technological and Procedural Safeguards

PCSO BWC data are initially recorded to an internal hard drive in each deputy’s BWC. Those files are then transferred to an in-house server via physical docking station at the sheriff’s office. PCSO staff advised us the server is secured in a lower-level interior room to guard against hazards such as tornadoes, but is not backed-up and is therefore susceptible to the loss of data resulting from other hazards such as fire or floods, as well as mechanical failure.

We recommend that Pope County IT staff consider some form of off-site backup procedures for PCSO BWC data to guard against the possible loss of data. We note that other agencies we have audited who utilize in-house servers have employed secure servers at other county-owned facilities, such as their highway department, that are physically separate from the sheriff’s office as a means of reducing the risk of a catastrophic loss of data.

Deputies have view-only access to their own data for report writing, trial preparation, data administration, investigatory purposes and other legitimate law enforcement purposes.

As noted above, requests by other law enforcement agencies for PCSO BWC data must be approved by sheriff or chief deputy and are fulfilled via expiring email link. A similar method is employed to submit PCSO BWC data to the Pope County Attorney’s Office.

The Member Responsibilities subsection of PCSO’s BWC policy states: “Members should wear their assigned BWC on their outermost garment positioned at or above the mid-line of the waist.” In our opinion, this satisfies the requirement discussed in Clause 3 of the Policy section of this report.

Enhanced Surveillance Technology

PCSO 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 PCSO 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 from which to review any available BWC recordings. It should be noted that not every call will result in a deputy activating his or her BWC. For example, a deputy who responds to a driving complaint but is unable to locate the suspect vehicle would be unlikely to activate his or her BWC. It should also be noted that because the audit covers a period of two years, while most BWC data is only required to be retained for 90 days, there is a significant likelihood that the sample population will include ICRs 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 PCSO records.

Our initial sample selection did not yield any retained BWC videos, though 13 of the calls indicated that BWC video had been created but subsequently deleted after the retention period expired. This result was not unexpected as the on-site portion of the audit occurred approximately 18 months after the end of the two-year period being audited.

The Rampart auditor then conducted a review of retained BWC videos from the audit period, selecting a sample of ten (10) videos to review. The auditor noted that each of the videos was labeled correctly.

Audit Conclusions

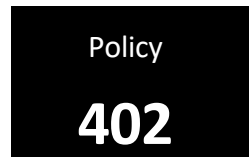
In our opinion, the Pope County Sheriff's Office's Body-Worn Camera Program is substantially compliant with Minnesota Statutes §13.825 and §626.8473 as of the date of this report, except with respect to the written-comments requirement contained in §626.8473 Subd. 2, for which we do not express an opinion.



Rampart Audit LLC

8/09/2025

APPENDIX A:



Pope County Sheriff's
Office
Pope Cnty SO Policy Manual

Portable Audio/Video Recorders

402.1 PURPOSE AND SCOPE

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

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Pope County Sheriff's Office facility, undercover operations, wiretaps or eavesdropping (concealed listening devices) unless captured by a portable recording system.

402.1.1 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.

402.2 POLICY

The Pope County Sheriff's Office may provide members with access to portable recorders for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office and the public.

402.3 MEMBER PRIVACY EXPECTATION

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

402.4 MEMBER RESPONSIBILITIES

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

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

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

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

402.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

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

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

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify the Dispatch Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) During all high-risk warrant operations, all Crisis Response operations, or activities that involve response to possibly armed or violent persons.

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.

402.5.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

402.5.2 SURREPTITIOUS RECORDINGS

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

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

Members shall not surreptitiously record another office member without a court order unless lawfully authorized by the Sheriff or the authorized designee.

402.6 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark the recordings in accordance with procedure and document the existence of the recording in any related case report. All recordings should be tagged with the appropriate case number and uploaded at the end of the member's shift or as soon thereafter as reasonable possible.

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.

402.7 RETENTION OF RECORDINGS

Portable recordings may be considered criminal investigative data subject to public disclosure (Minn. Stat. § 13.82, Subd. 7) 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.

402.7.1 RELEASE OF AUDIO/VIDEO RECORDINGS

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

402.7.2 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.

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

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).

402.9 COORDINATOR

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

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
 - 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).
- (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 PCSO 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 Pope County Sheriff's Office.
 - 2. Daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used.
 - 3. Total amount of recorded audio and video data collected by the devices and maintained by the Pope County Sheriff's Office.
- (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 Pope County Sheriff's Office that expands the type or scope of surveillance capabilities of the office's portable recorders.

402.10 PROHIBITED USE OF PORTABLE RECORDERS

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

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

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

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

402.11 ACCOUNTABILITY

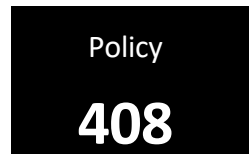
Any member who accesses or releases recordings without authorization may be subject to discipline (See the Standards of Conduct and the Protected Information policies) (Minn. Stat. § 626.8473).

402.12 WEARING OF BODY WORN CAMERA SYSTEMS

All licensed uniformed deputies that are assigned a body worn camera shall wear the camera system at all times when their duties may put them in contact with the general public.

All other deputies that do not regularly wear a uniform for their assigned assignment and are assigned a body worn camera, or pool camera, should wear their camera system when they will be in contact with the general public.

APPENDIX B:



Pope County Sheriff's Office

Pope Cnty SO Policy Manual

Body-Worn Cameras

408.1 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 office and for the access, use, and retention of office 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).

408.1.1 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 office BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Office 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.

408.2 POLICY

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

408.3 RESPONSIBILITIES

408.3.1 BWC COORDINATOR RESPONSIBILITIES

The Sheriff 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:

- (a) Serving as a liaison between the Office 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 Office, 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 Pope County Sheriff's Office
 - 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 Pope County Sheriff's Office
- (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 office 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 PCSO members and members of other governmental entities and agencies for a legitimate, specified law enforcement purpose (Minn. Stat. § 13.825, Subd. 7; Minn. Stat. § 13.825, Subd. 8).

- (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 office 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 office's use of BWCs (e.g., posting on the office website or social media pages) (Minn. Stat. § 626.8473, Subd. 3).
 - 2. Gain insight into community expectations regarding BWC use.
- (i) Coordinating with the Administrative Assistant to (see the Records/TAC, 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) (Minn. Stat. § 13.825, Subd. 3).
 - 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 Evidence Room to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Evidence Room Policy).
- (k) Completing an annual administrative review of the BWC program and providing it to the Sheriff for review.
- (l) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
- (m) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Pope County Sheriff's Office that expands the type or scope of surveillance capabilities of the office's portable recorders (Minn. Stat. § 13.825, Subd. 10).

408.3.2 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 placed on the charging dock and 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).

408.4 BWC USE

The following guidelines apply to the use of BWCs:

- (a) Only office-issued BWCs should be used (Minn. Stat. § 13.825, Subd. 6).
- (b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
- (c) The use of office-issued BWCs shall be strictly limited to office-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 Sheriff.

408.4.1 PROHIBITIONS

BWCs should not be used to record:

- (a) Routine administrative activities of the Office that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Office has a duty to keep secure (i.e., criminal justice information).
- (b) Areas within the office 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 deputies or confidential informants.
- (g) Strip searches.

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

408.5 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.

408.5.1 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.

408.5.2 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 office 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 deputy.
- (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 office'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.

408.5.3 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 Sheriff 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.

408.5.4 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.

408.6 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 Office.

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.

408.6.1 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.
- (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.

408.7 BWC MEDIA

All BWC media is the sole property of the Office. 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 Office and shall not be used by the vendor for any purpose without explicit approval of the Sheriff 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 Sheriff or the authorized designee.

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

408.7.1 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 office-related purposes in accordance with the following guidelines:

- (a) BWC media tagged as restricted should only be accessible by those designated by the Sheriff or the authorized designee.
- (b) Members may review their own BWC media for office-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 office-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 office 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 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 Chief Deputy is permitted to access and view BWC media for training purposes.
 - 1. The Chief Deputy should conduct a quarterly review of a random sampling of BWC media to evaluate office 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 Chief Deputy may use BWC media for training purposes with the approval of the Sheriff or the authorized designee. The Chief Deputy 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 may access BWC media when necessary to conduct office-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, Subd. 3).
- (j) Members may be subject to criminal penalties for the misuse of BWC media pursuant to Minn. Stat. § 13.09 (Minn. Stat. § 626.8473, Subd. 3).

408.7.2 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; Minn. Stat. § 13.825, Subd. 4).
- (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.

408.7.3 ACCESS BY OTHER LAW ENFORCEMENT AGENCIES AND GOVERNMENT ENTITIES

Other law enforcement agencies and government entities (e.g., prosecutors, criminal justice agencies) may obtain access to not public BWC media for a legitimate, specified law enforcement purpose upon written authorization from the Sheriff or the authorized designee and pursuant to office protocols (Minn. Stat. § 13.825, Subd. 8).

408.7.4 ACCESS BY PERSONS CAPTURED ON BWC MEDIA

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 unless otherwise provided by law. 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).

408.7.5 ACCESS TO BWC MEDIA USED IN COLLISION INVESTIGATIONS

Individuals shall be provided with unredacted BWC media used in a collision investigation if the individual (Minn. Stat. § 13.825, Subd. 4):

- (a) Is entitled to a collision report under Minn. Stat. § 169.09

- (b) Submits a written request accompanied by the related collision report

The Office may deny access to unredacted data as provided in Minn. Stat. § 13.825, Subd. 4.

408.7.6 BWC MEDIA REGARDING USE OF FORCE INCIDENTS RESULTING IN DEATH

When a person dies as a result of the use of force by a deputy, the Office 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 portable recording system data that documents the incident within five days of the request pursuant to the provisions of Minn. Stat. § 13.825.
- (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.

408.7.7 DENIALS, REDACTIONS, AND NOTICES

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

The Sheriff should work with the Custodian of Records when redactions, denials, or notices (e.g., reason for denial, potential penalties for misuse, seeking court relief) are necessary (Minn. Stat.

§ 13.825, Subd. 2; Minn. Stat. § 13.825, Subd. 4; Minn. Stat. § 626.8473, Subd. 3).

408.8 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 Sheriff or the authorized designee.

If an individual captured on BWC media submits a written request, the BWC media shall be retained for an additional time period up to 180 days. The BWC coordinator should be responsible for notifying the individual that the BWC media will then be destroyed unless a new request is made (Minn. Stat. § 13.825, Subd. 3).

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

408.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established office 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 Evidence Room Policy).

408.8.2 EVIDENTIARY RETENTION REQUIREMENTS

BWC media documenting the following incidents must be retained for a minimum of one year and destroyed according to the office's records retention schedule (Minn. Stat. § 13.825, Subd. 3):

- (a) Any reportable firearms discharge
- (b) Any use of force by a deputy resulting in substantial bodily harm
- (c) Any incident that results in a formal complaint against a deputy

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

408.9 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.
- (c) How to respond to an individual's request to stop recording.
- (d) Proper use 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.