



INDEPENDENT AUDITOR'S REPORT

Beltrami County Sheriff's Office



NOVEMBER 6TH, 2025
RAMPART AUDIT LLC

Audit Overview and Recommendations

Dear Beltrami County Board and Sheriff Riggs:

We have audited the body-worn camera (BWC) program of the Beltrami County Sheriff's Office (BCSO) for the two-year period ended 8/31/2025. 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 Beltrami County Sheriff's Office. Our responsibility is to express an opinion on the operations of this program based on our audit.

On October 3, 2025, Rampart Audit, LLC (Rampart) met with Captain Joe Kleszyk, who provided information about BCSO'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 BCSO's recordkeeping.

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

BCSO BWC Program Implementation and Authorization

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

A local law enforcement agency must provide an opportunity for public comment before it purchases or implements a portable recording system. At a minimum, the agency must accept public comments submitted electronically or by mail, and the governing body with jurisdiction over the budget of the law enforcement agency must provide an opportunity for public comment at a regularly-scheduled meeting.

Rampart previously audited BCSO's BWC program in 2021 and 2023. As part of the 2021 audit, BCSO personnel provided documentation showing that the public notification, comment and meeting requirements had been satisfied prior to the implementation of BCSO's BWC program. Specifically, BCSO personnel furnished a copy of the "Transcript of the Proceedings of the Beltrami County Board of Commissioners" dated March 5, 2019, which noted that a public hearing would be held at the March 19, 2019, Beltrami County Board meeting for the purpose of receiving public comments about BCSO's proposed BWC program. BCSO personnel also furnished a copy of the transcript from the March 19, 2019, meeting, noting that a public hearing was opened and a total of twelve (12) comments were

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

received, all in support of the proposed BWC program. Copies of these documents have been retained in Rampart's audit files.

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

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

As part of our current audit, Rampart staff verified that there was a working link to the Beltrami County Sheriff's Office's BWC policy on their webpage.

BCSO BWC WRITTEN POLICY

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

BCSO 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 BCSO's BWC policy states that "[a]ll recordings shall be maintained 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.” This satisfies the requirements of §13.825 Subd. 3(a).

This section of BCSO’s BWC policy also includes an itemized list of retention periods for different categories of BWC data. Item (13) states:

The following will be retained for a minimum of one year:

- Data that documents [sic] the use of deadly force by a peace officer, or force of a sufficient type or degree to require a use of force report or supervisory review including the use of force by a Deputy that results in substantial bodily harm
- Data that documents [sic] the discharge of a firearm by a Deputy in the course of his duties
- Data documenting circumstances that have given rise to a formal complaint against an officer

In our opinion, this meets or exceeds the requirement for each category of BWC data enumerated in §13.825 Subd. 3(b). We noted, however, that §13.825 Subd. 3(b) includes only reportable firearm discharges, which excludes rounds expended for purposes such as training or dispatching an injured animal, while BCSO’s policy appears to require a one-year retention period for all firearm discharges.

Item (14) of the Retention of Recordings section of BCSO’s BWC policy states: “Any use of deadly force (not limited to if a death occurred) will be maintained in an unredacted form indefinitely.” While this satisfies the requirement contained in §13.825 Subd. 3(c), we noted that the first bullet point in Item (13), which is quoted above, specifies a retention period of one year for data documenting the use of deadly force by a peace officer. The Item (13) reference appears to be an artifact from an earlier version of the policy pre-dating the 2023 legislative updates. We recommend that BCSO remove the reference from Item (13) to avoid confusion.

Prior to the submission of this report, BCSO submitted a revised BWC policy that addresses the concerns identified above. A copy of the revised BWC policy is attached to this report as Appendix B.

The Retention of Recordings section of BCSO’s BWC policy also states: “Upon written request by a BWC... data subject, the agency shall retain a recording pertaining to that subject for an additional time period of up to 180 days,” which satisfies the requirements of §13.825 Subd. 3(d).

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

The Retention of Recordings section of BCSO’s BWC policy states: “Members are prohibited from altering, erasing, or destructing any data prior to the expiration of [the] above retention periods.” Capt. Kleszyk advised us that because metadata is a form of data, BCSO interprets the term “any data” to include not only the recording itself, but also any associated data or metadata as specified in §626.8473 Subd. 3(b)(1).

While it is our opinion that this interpretation is reasonable, we recommend mirroring the language used in statute to ensure compliance.

BCSO employs Panasonic body-worn cameras and manages BWC data retention on their own secure servers through automated retention settings in the Unified Digital Evidence (UDE) 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 Identification and Preservation of Recordings section of BCSO's BWC policy requires that deputies "download, tag or mark recordings in accordance with procedure and document the existence of the recording in any related case report" in order to "assist with identifying and preserving data and recordings." The "tag" assigned determines the appropriate retention period for each file.

Captain Kleszyk advised us that some of BCSO's squads are capable of uploading BWC data via wireless connection, but others are not. If wireless uploading is not available, deputies utilize a physical docking station at the sheriff's office. While deputies typically upload their BWC data each shift, due to the size of the county, which covers more than 3,000 square miles, personnel assigned to outlying areas may not have an opportunity to dock their BWCs at the sheriff's office every shift.

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

BCSO BWC Data Destruction

Captain Kleszyk advised us that BCSO BWC data are stored on servers located on-site.

Data on these servers 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 BCSO-owned physical hard drive used to store BWC data will have all data deleted prior to being destroyed by physical means, specifically crushing.

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

BCSO BWC Data Access

Any request for access to BWC data by data subjects would be made in writing to the BCSO Records Department. Requests are reviewed by the Beltrami County Attorney's Office. If approved, Records staff are then responsible for fulfilling each request in accordance with the provisions of §13.825 Subd. 4(b). BWC media is shared via optical disc.

BCSO BWC data is shared with other law enforcement agencies for evidentiary purposes only. All such requests must be made by email to Captain Kleszyk. If approved, the request is then processed by a BCSO evidence tech. Existing verbal agreements between BCSO and other area law enforcement agencies address data classification, destruction and security requirements, as specified in §13.825 Subd. 7 and 8. Access to BCSO BWC data for outside agencies is provided via optical disc.

We recommend that BCSO obtain a written acknowledgement from any outside law enforcement agency that any BWC data obtained from BCSO 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.

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 Access to Recordings section of BCSO's BWC policy addresses the requirements pertaining to a 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, as well as the media release requirements contained in the statute.

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

BCSO BWC Data Classification

The Access to Recordings section of BCSO's BWC policy states: "Except as provided by Minn. Stat. §13.825 Subd. 2, audio/video recordings are considered private or nonpublic data." As noted in the preceding section, BCSO's BWC policy also addresses the changes the Minnesota State Legislature made in 2023 regarding data classification and access rights for BWC data documenting incidents involving the use of deadly force. In our opinion, BCSO's BWC policy is compliant with respect to the applicable data classification requirements.

BCSO BWC Internal Compliance Verification

The Review of Recorded Media Files section of BCSO'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." Captain Kleszyk confirmed that supervisors conduct periodic reviews, but no formal schedule is specified in the policy.

Captain Kleszyk also advised us that while the UDE software logs all access to BWC data, it does not require the user to provide a reason for the access.

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

The Accountability section of BCSO's BWC policy states that "[a]ny member who accesses or releases recordings without authorization may be subject to discipline (See the Standards of Conduct and Protected Information policies)." Meanwhile, the Policy section of BCSO's BWC policy states: "[m]embers of the Beltrami County Sheriff's Office that violate this policy will be subject to progressive discipline."

Because unauthorized access to BWC data may constitute a misdemeanor under Minn. Stat. §13.09, we recommend that BCSO revise their policy to note that the activities described above may also result in criminal consequences.

Prior to the submission of this report, BCSO submitted a revised BWC policy that addresses the concern described above.

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

BCSO BWC Program and Inventory

BCSO currently possesses 63 Panasonic BWC4000 body-worn cameras.

The BCSO 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 Member Responsibilities section of BCSO's BWC policy states: "[p]rior to going into service, uniformed members will be responsible for making sure that they are equipped with a portable recorder issued by the Office, and that the recorder is in working order." In our opinion, this satisfies the Minn. Stat. §13.825 Subd. 6 requirement that 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."

While BCSO does not maintain a separate log of BWC deployment or use, Captain Kleszyk advised us that because each uniformed deputy wears a BWC while on duty, the number of BWC units deployed with uniformed personnel each shift can be determined based on a review of BCSO payroll records. In addition, non-uniformed personnel are issued and authorized but not required to wear or use body-worn cameras. Actual BWC use would be determined based on the creation of BWC data.

As of 10/03/2025, BCSO maintained 84 TB of BWC data.

BCSO BWC Physical, Technological and Procedural Safeguards

BCSO BWC data are initially recorded to an internal hard drive in each deputy's BWC. Those files are then transferred to the dedicated servers at the BCSO office. BCSO employs a wireless transfer protocol with a physical docking station as a backup. The wireless upload process utilizes antennas at the sheriff's office located in the City of Bemidji.

BCSO employs multiple servers to guard against possible loss of data due to a hardware failure, and also burns evidentiary data to optical disc. Captain Kleszyk advised us that he has discussed with Beltrami County IT the possibility of backing up the BWC servers to a second set of servers to be located at a separate county-owned secure facility as an additional safeguard, but was advised that doing so was impractical due to the amount of data involved.

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

As noted in Clause 3 of the Policy section of this report, the 2023 legislative updates require that a BWC policy specify that the device be worn at or above the mid-line of the waist. The Member Responsibilities section of BCSO's BWC policy states that:

Prior to going into service, uniformed members will be responsible for making sure that they are equipped with a portable recorder issued by the Office, and that the recorder is in good working order... 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 practicable. Uniformed members shall wear the recorder in a conspicuous manner located at or above the mid-line of the waist and notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes 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.

Members should wear their assigned BWC on their outermost garment positioned at or above the mid-line of the waist...

We noted that the second paragraph does not specifically require a non-uniformed deputy to wear his or her BWC at or above the mid-line of the waist, while the third paragraph appears to require that all personnel do so. We recommend revising this section of the policy to clarify that any personnel who wear a BWC must place the device at or above the mid-line of the waist.

Prior to the issuance of this report, CPD furnished a revised BWC policy that addresses this requirement.

Enhanced Surveillance Technology

BCSO 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 BCSO 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 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 BCSO records.

Audit Conclusions

In our opinion, the Beltrami County Sheriff's Office's Body-Worn Camera Program is substantially compliant with Minnesota Statutes §13.825 and §626.8473.



Rampart Audit, LLC

11/06/2025

APPENDIX A:

Policy

421

Beltrami County Sheriff's Office

Beltrami Cnty SO Policy Manual

Portable Audio/Video Recorders

421.1 PURPOSE AND SCOPE

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

This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any Beltrami County Sheriff's Office facility, undercover operations, wiretaps, or eavesdropping (concealed listening devices).

421.1.1 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.

421.2 POLICY

The Beltrami County Sheriff's Office shall 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. Members of the Beltrami County Sheriff's Office that violate this policy will be subject to progressive discipline.

421.3 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.

421.4 MEMBER RESPONSIBILITIES

Prior to going into service, uniformed members will be responsible for making sure that they are equipped with a portable recorder issued by the Office, and that the recorder is in good

working order (Minn. Stat. § 13.825). If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner at or above the mid-line of the waist and notify persons that they are being recorded, whenever reasonably practicable (Minn. Stat. § 626.8473).

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.

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 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.

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).

421.5 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 Communications Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

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

Deputies will not activate or record with a Portable recording device in the Beltrami County Jail Control Rooms or Administrative offices.

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.

421.5.1 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. When ceasing the recording, the Deputy shall narrate the intent and reason, if applicable, the ending the recording.

421.5.2 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.

421.5.3 EXPLOSIVE DEVICE

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

421.6 IDENTIFICATION AND PRESERVATION OF RECORDINGS

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

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

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

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

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

421.7 REVIEW OF RECORDED MEDIA FILES

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

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

Recorded files may also be reviewed:

- (a) By a supervisor as part of internal audits and reviews as required by Minn. Stat. § 626.8473.
- (b) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- (c) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (d) By media personnel with permission of the Sheriff or the authorized designee.
- (e) In compliance with the Minnesota Data Practices Act request, if permitted or required by the Act, including pursuant to Minn. Stat. § 13.82, Subd. 15, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that are clearly offensive to common sensibilities should not be publicly released unless disclosure is required by law or order of the court (Minn. Stat. § 13.82, Subd. 7; Minn. Stat. § 13.825, Subd. 2).

421.8 COORDINATOR

The Sheriff or the authorized designee should designate a coordinator responsible for (Minn. Stat.

§ 626.8473; Minn. Stat. § 13.825):

- (a) Establishing procedures for the security, storage, and maintenance of data and recordings.
 - 1. The coordinator should work with the Custodian of Records and the member assigned to coordinate the use, access, and release of protected information to ensure that procedures comply with requirements of the Minnesota Government Data Practices Act (MGDPA) and other applicable laws (Minn. Stat. § 13.01 et seq.) (see the Protected Information and the Records Maintenance and Release policies).
 - 2. The coordinator should work with the Custodian of Records to identify recordings that must be retained for a specific time frame under Minnesota law (e.g., firearm discharges, certain use of force incidents, formal complaints).
- (b) Establishing procedures for accessing data and recordings.
 - 1. These procedures should include the process to obtain written authorization for access to non-public data by BCSO 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 Beltrami 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 Beltrami 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 Beltrami County Sheriff's Office that expands the type or scope of surveillance capabilities of the office's portable recorders.
- (h) Ensuring that this Portable Audio/Video Recorders Policy is posted on the Office website.

421.9 PROHIBITED USE OF AUDIO/VIDEO RECORDERS

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

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, 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.

For security purposes members will turn off their Portable recorders when entering the secure

footprint of the Beltrami County Jail.

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

421.10 RETENTION OF RECORDINGS

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

The following retention periods apply to the following recorded video event descriptions before the videos are purged from the system whether it is the network server or evidence room.

Event Description Retention Period

1. Junk----- 90 days
2. Traffic Stop Warning ----- 90 days
3. Traffic Stop Citation-----90 days
4. DWI -----365 days
5. Pursuit----- 365 days
6. Arrest----- Until Case is resolved
7. Accident-----90 days
8. Audio domestic -----365 days
9. Homicide/Sex Assault/Forever ----- Forever
10. Evidence----- Until Case is resolved
11. Medical----- 90 days
12. Statutory 6 Year Req ----- 6 years
13. The following will be retained for a minimum of one year:

- Data that documents the use of deadly force by a peace officer, or force of a sufficient type or degree to require a use of force report or supervisory review including the use of force by a Deputy that results in substantial bodily harm
- Data that documents the discharge of a firearm by a Deputy in the course of his duties
- Data documenting circumstances that have given rise to a formal complaint against an officer

14. Any use of deadly force (not limited to if a death occurred) will be maintained in an unredacted form indefinitely

Upon written request by a BWC and SCVC data subject, the agency shall retain a recording pertaining to that subject for an additional time period requested by the subject of up to 180 days. The agency will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received.

Members are prohibited from altering, erasing, or destructing any data prior to the expiration of above retention periods

421.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

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

421.10.2 ACCESS TO RECORDINGS

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

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

Notwithstanding any law to the contrary, when an individual dies as a result of a use of force by a member of this office, the Beltrami County Sheriff's Office must allow the following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request, except as otherwise provided in this clause.

- (a) The deceased individual's next of kin;
- (b) The legal representative of the deceased individual's next of kin; and
- (c) The other parent of the deceased individual's child.

When an individual dies as a result of a use of force by a member of this office, the Beltrami County Sheriff's shall release all portable recording system data, redacted no more than what is required

by law, documenting the incident no later than 14 days after the incident, unless the Sheriff asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified under Minnesota section 13 Government Data Practices.

421.11 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).

APPENDIX B:



Beltrami County Sheriff's Office

Beltrami Cnty SO Policy
Manual

Portable AudioVideo Recorders

421.1 PURPOSE AND SCOPE

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

This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any Beltrami County Sheriff's Office facility, undercover operations, wiretaps, or eavesdropping (concealed listening devices).

421.1.1 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.

421.2 POLICY

The Beltrami County Sheriff's Office shall 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. Members of the Beltrami County Sheriff's Office that violate this policy will be subject to progressive discipline.

421.3 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.

421.4 MEMBER RESPONSIBILITIES

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

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.

Members who are using a BWC shall 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 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.

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).

421.5 ACTIVATION OF THE AUDIOVIDEO 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 Communications Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

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

Deputies will not activate or record with a Portable recording device in the Beltrami County Jail Control Rooms or Administrative offices.

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.

421.5.1 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. When ceasing the recording, the Deputy shall narrate the intent and reason, if applicable, the ending the recording.

421.5.2 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.

421.5.3 EXPLOSIVE DEVICE

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

421.6 IDENTIFICATION AND PRESERVATION OF RECORDINGS

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

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

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

- (g) The recording or portions of the recording may be protected under the Minnesota Data Practices Act.

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

421.7 REVIEW OF RECORDED MEDIA FILES

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

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

Recorded files may also be reviewed:

- (a) By a supervisor as part of internal audits and reviews as required by Minn. Stat. § 626.8473.
- (b) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- (c) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (d) By media personnel with permission of the Sheriff or the authorized designee.
- (e) In compliance with the Minnesota Data Practices Act request, if permitted or required by the Act, including pursuant to Minn. Stat. § 13.82, Subd. 15, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy}. Recordings that are clearly offensive to common sensibilities should not be publicly released unless disclosure is required by law or order of the court (Minn. Stat. § 13.82, Subd. 7; Minn. Stat. § 13.825, Subd. 2).

421.8 COORDINATOR

The Sheriff or the authorized designee should designate a coordinator responsible for (Minn. Stat.

§ 626.8473; Minn. Stat. § 13.825):

- (a) Establishing procedures for the security, storage, and maintenance of data and recordings.
 - 1. The coordinator should work with the Custodian of Records and the member assigned to coordinate the use, access, and release of protected information to ensure that procedures comply with requirements of the Minnesota Government Data Practices Act (MGDPA) and other applicable laws (Minn. Stat. § 13.01 et

seq.) (see the Protected Information and the Records Maintenance and Release policies).

2. The coordinator should work with the Custodian of Records to identify recordings that must be retained for a specific time frame under Minnesota law (e.g., firearm discharges, certain use of force incidents, formal complaints).
- (b) Establishing procedures for accessing data and recordings.
1. These procedures should include the process to obtain written authorization for access to non-public data by BCSO 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 Beltrami 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 Beltrami 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 Beltrami County Sheriff's Office that expands the type or scope of surveillance capabilities of the office's portable recorders.
- (h) Ensuring that this Portable Audiovideo Recorders Policy is posted on the Office website.

421.9 PROHIBITED USE OF AUDIOVIDEO 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.

For security purposes members will turn off their Portable recorders when entering the secure footprint of the Beltrami County Jail.

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

421.10 RETENTION OF RECORDINGS

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

The following retention periods apply to the following recorded video event descriptions before the videos are purged from the system whether it is the network server or evidence room.

Event Description Retention Period

1. ~~Junk~~-----
90 days
2. Traffic Stop Warning
90 days
3. Traffic Stop Citation
90 days
4. DWI
365 days
5. Pursuit
365 days
6. Arrest
Until Case is resolved
7. ~~Accident~~-----
90 days
8. Audio domestic----
365 days
9. Homicide/Sex Assault/Forever
Forever
10. Evidence
Until Case is resolved
11. Medical
90 days
12. Statutory 6 Year Req
6 years
13. The following will be retained for a minimum of one year:
 - Data that documents the use of force of a sufficient type or degree to require a

use of force report or supervisory review including the use of force by a Deputy that results in substantial bodily harm

- Data that documents the discharge of a firearm by a Deputy in the course of his duties, as required by state statute.
- Data documenting circumstances that have given rise to a formal complaint against an officer

14. Any use of deadly force (not limited to if a death occurred) will be maintained in an unredacted form indefinitely

Upon written request by a BWC and SCVC data subject, the agency shall retain a recording pertaining to that subject for an additional time period requested by the subject of up to 180 days. The agency will notify the requester at the time of the request that the data will then be destroyed unless a new written request is received.

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421.10.2 ACCESS TO RECORDINGS

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Notwithstanding any law to the contrary, when an individual dies as a result of a use of force by a member of this office, the Beltrami County Sheriff's Office must allow the following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request, except as otherwise provided in this clause.

- (a) The deceased individual's next of kin;
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421.11 ACCOUNTABILITY

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