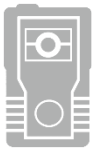
INDEPENDENT AUDITOR'S REPORT

Aitkin Police Department



NOVEMBER 17TH, 2025

RAMPART AUDIT LLC

Audit Overview and Recommendations

Dear Aitkin City Council and Chief Riedel:

We have audited the body-worn camera (BWC) program of the Aitkin Police Department (APD) 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 Aitkin Police Department. Our responsibility is to express an opinion on the operations of this program based on our audit.

On September 25, 2025, Rampart Audit, LLC (Rampart) met with Chief Colter Riedel and Amy Dotzler, the APD Confidential Secretary, who provided information about APD'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 APD's recordkeeping.

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

APD 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 APD's BWC program in 2021 and 2023. During the 2021 audit, APD personnel furnished Rampart a copy of the February 20, 2018, Aitkin City Council meeting minutes documenting that the public notice and comment requirements had been met prior to the implementation of APD's BWC program. Body-worn cameras were then deployed beginning on 9/01/2019.

Copies of these documents have been retained in Rampart's audit files. In our opinion, Aitkin Police Department 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."

[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 APD, these terms may be used interchangeably in this report.

Rampart received a copy of APD's written BWC policy before our audit, as well as a link to APD's page on the City of Aitkin's website. The Rampart auditor verified that there was a working link at the time of our audit. In our opinion, Aitkin Police Department is compliant with the requirements of §626.8473 Subd. 3(a).

APD BWC WRITTEN POLICY

As part of this audit, we reviewed APD's BWC policy, a copy of which is attached to this report as Appendix A. We note that Aitkin Police Department has adopted a new BWC policy since our previous audit.

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 APD 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.

APD 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 APD's BWC policy states: "[a]ll recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days. The Aitkin Police Department follows the GRRSMC [General Records Retention Schedule for Minnesota Cities]…" The BWC policy also includes an embedded link to the 2021 GRRSMC retention schedule located on the Municipal Clerks and Finance Officers Association of Minnesota website.

This passage satisfies the requirements of §13.825 Subd. 3(a), while a review of the relevant sections of the current GRRSMC schedule indicates that the stated retention guidelines appear to meet or exceed the requirements specified for each category of BWC data enumerated in §13.825 Subd. 3(b) and (d). We noted, however, that the GRRSMC was last updated in 2021 and does not address the indefinite retention requirement for BWC data described in §13.825 Subd. 3(c).

The Retention of Recordings section of APD's BWC policy states: "[m]embers shall not alter, erase, or destroy any recordings before the end of the applicable records retention period."

As discussed in Clause 2 of the Policy section of this report, a BWC policy must prohibit altering, erasing or destroying any recording made with a peace officer's portable recording system, as well as associated data or metadata, prior to the expiration of the applicable retention period. In addition, the full, unedited, and unredacted recording of a peace officer using deadly force must be maintained indefinitely.

Neither the GRRSMC nor APD's BWC policy addresses associated data or metadata.

We recommend APD create its own retention schedule consistent with the requirements of §13.825 Subd. 3 and include it in the BWC policy to ensure compliance.

Prior to the completion of this report, APD submitted a revised BWC policy that addresses the missing elements identified above. We noted, however, that the language addressing the retention requirements pertaining to associated data and metadata appears to be describing the prohibition against premature alteration, erasure or destruction as a required element of a policy, rather than explicitly prohibiting such actions. The same concern applies to the language addressing indefinite retention of BWC data documenting an officer's use of deadly force. While we understand its intent, we recommend that APD revise the wording of §428.7.6(c) of their BWC policy for clarity.

A copy of the revised policy is attached to this report as Appendix B.

APD employs Axon Body 3 body-worn cameras and manages BWC data retention automatically through the Evidence.com cloud-based service. BWC data retention is determined by the data classification assigned to each video at the time of upload.

APD's BWC policy requires that each officer transfer data from his or her body-worn camera to evidence.com via a dedicated docking station by the end of each shift, and also requires that the officer assign the appropriate label or labels to each file to identify the classification of the data and, consequently, its retention period. In the event an officer fails to assign a category, retention is indefinite to avoid the accidental loss of data.

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

APD BWC Data Destruction

As discussed above, APD utilizes Axon's Evidence.com for storage, with retention periods determined based on the classification assigned to BWC data. Axon certifies that its Cloud Service is compliant with the Federal Bureau of Investigation's current Criminal Justice Information System Security Division Policy as required by Minnesota Statute §13.825 Subd. 11(b). Data destruction is achieved through automated deletion and overwriting, with storage devices sanitized (overwritten three or more times or degaussed) or physically destroyed upon being removed from service.

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

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

APD BWC Data Access

The Release of Audio/Video Recordings section of APD's BWC policy states: "[r]equests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy."

Chief Riedel advised us that all requests for BWC data must be made in writing, either using the city's data request form or an email in order to document the request. Requests can be submitted either to himself or Secretary Dotzler. He reviews each request and, if approved, either he or Secretary Dotzler processes it. Requests are normally fulfilled via secure internet link, but physical media can also be used if needed.

APD cases submitted to the prosecutor include a secure internet link to any associated BWC data. In those instances in which APD assists another agency, requests for APD BWC data would normally be received in writing from the prosecutor. All requests from other law enforcement agencies for APD BWC data must be made in writing, and are reviewed by Chief Riedel prior to processing. Existing verbal agreements govern the receiving agencies' obligations under §13.825 Subd. 7 and Subd. 8.

While the procedures Chief Riedel described during the audit are designed to ensure that BWC data are shared with other agencies only for legitimate law enforcement purposes that are disclosed in writing at the time of the request, we recommend adding language to this effect to the BWC policy. We also recommend that APD obtain a written acknowledgment from each law enforcement agency requesting BWC data of its responsibilities under §13.825 Subd. 8(b) with respect to data classification, destruction and security requirements. Such an acknowledgement could be added to a standard data request form to be submitted by the requesting agency.

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

Prior to the completion of this report, APD furnished a revised BWC policy that addresses these requirements, as well as the associated data classification requirements.

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

APD BWC Data Classification

The Access to Recordings subsection of APD's BWC Policy 2 states that "[e]xcept as provided by Minn. Stat. §13.825 Subd. 2, audio/video recordings are considered private or nonpublic data."

As noted in the preceding section, prior to the completion of this report, APD furnished a revised BWC policy that 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, APD's revised BWC policy is compliant with respect to the applicable data classification requirements.

APD BWC Internal Compliance Verification

The APD BWC policy Review of Recorded Media Files section states that "[r]ecorded files may also be reviewed… by a supervisor as part of internal audits and reviews as required by Minn. Stat. §626.8473 or [sic] no less than a quarterly basis."

Chief Riedel confirmed this practice during the audit and advised that in addition to the random reviews described in the policy, he also reviews specific calls, such as those involving the use of force.

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.

At the time of our audit, APD's BWC policy did not include this requirement. Prior to the completion of this report, APD submitted a revised BWC policy that addresses this requirement.

The APD BWC policy Accountability section states that "[a]ny member who accesses or releases recordings without authorization may be subject to discipline (see the Standards of Conduct and the Protected Information policies)… or criminal penalty."

In our opinion, APD's revised BWC policy is compliant with the compliance and disciplinary requirements specified in §626.8473 Subd. 3(b)(8).

APD BWC Program and Inventory

APD currently possesses seven (7) Axon Body 3 body-worn cameras.

The APD 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.

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

The Prohibited Use of Audio/Video Recorders section of APD's BWC policy states: "Members are prohibited from using personally owned recording devices while on-duty," which 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."

This section of the policy also states: "Recordings will be utilized for legitimate law enforcement or data administration purposes only."

As of 9/22/2025, APD maintained 9,164 files of BWC data.

APD BWC Physical, Technological and Procedural Safeguards

APD BWC data are initially recorded to a hard drive in each officer's BWC. Those files are then transferred through a manual process to the evidence.com cloud-based server.

Officers have view-only access to their own data for report writing, trial preparation, data administration, investigatory purposes and other legitimate law enforcement purposes. Officers are required to document the reasons for accessing BWC data each time they do so.

BWC data are only destroyed via an automated process upon the expiration of the retention period defined for the specific data classification in Evidence.com.

As noted above, requests by other law enforcement agencies for APD BWC data must be approved by Chief Riedel, Assistant Chief Brown or Secretary Dotzler. This data is furnished to the requesting agency via an expiring email link. A similar method is employed to submit APD BWC data to the Aitkin County Attorney's Office.

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 APD's BWC policy states that:

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

Minn. Stat. §626.8473 Subd. 3(b)(2) makes no distinction between uniformed and non-uniformed personnel in requiring that a BWC be worn at or above the mid-line of the waist; consequently, we recommend revising this section of the BWC policy to specify that all personnel using a BWC must wear the device at or above the mid-line of the waist.

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

Enhanced Surveillance Technology

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

Data Sampling

Rampart selected a random sample of 132 calls for service (CFS) from which to review any available BWC recordings. It should be noted that not every call will result in an officer activating his or her BWC. For example, an officer who responds to a driving complaint but is unable to locate the suspect vehicle would be unlikely to activate his or her BWC. It should also be noted that because the audit covers a period of two years, while most BWC data is only required to be retained for 90 days, there is a significant likelihood that the sample population will include 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 APD records.

Audit Conclusions

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

Rampart Audit, LLC

11/17/2025

APPENDIX A:

Policy
419

Aitkin PD Policy Manual
Law Enforcement Policy

Portable Audio/Video Recorders

419.1 PURPOSE AND SCOPE

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

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

419.1.1 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.

419.2 POLICY

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

419.3 COORDINATOR

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

1. 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).

2. 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 APD members and members of other governmental entities and agencies.

3. Establishing procedures for logging or auditing access.
4. Establishing procedures for transferring, downloading, tagging, or marking events.
5. Establishing an inventory of portable recorders including:
    1. Total number of devices owned or maintained by the Aitkin Police Department.
    2. Daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used.
    3. Total amount of recorded audio and video data collected by the devices and maintained by the Aitkin Police Department.
6. Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
7. Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Aitkin Police Department that expands the type or scope of surveillance capabilities of the department's portable recorders.
8. Ensuring that this Portable Audio/Video Recorders Policy is posted on the Department website.

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

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

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

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

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

419.5 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 Dispatch
d. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

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

At no time is a member expected to jeopardize 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.

419.5.1 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.

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

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

419.5.3 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.

419.6 PROHIBITED USE OF AUDIO/VIDEO RECORDERS

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

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

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule. Recordings will be utilized for legitimate law enforcement or data adminsitration purposes only.

419.7 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days. The Aitkin Police Department follows the GRRSMC found: 2021_Retention_Schedule.pdf (mcfoa.org).

Common Categories:

Incident Report - 7 years

Traffic Stop - Warning Issued - 180 days

Traffic Stop - Citation Issued - 2 years

Misc. Call - 180 days

Parking Violations - 1 Year

Transport - 180 days

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

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

419.7.1 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.

419.7.2 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.

419.8 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.

419.9 REVIEW OF RECORDED MEDIA FILES

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

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

Recorded files may also be reviewed:

a. By a supervisor as part of internal audits and reviews as required by Minn. Stat. § 626.8473 or no less than quarterly basis
b. Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
c. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
d. By media personnel with permission of the Chief of Police or the authorized designee.
e. In compliance with the Minnesota Data Practices Act request, if permitted or required by the Act, including pursuant to Minn. Stat. § 13.82, Subd. 15, and in accordance with the Records Maintenance and Release Policy.

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

419.10 ACCOUNTABILITY

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

APPENDIX B:

Policy 428

Body-Worn Cameras

428.1PURPOSE AND SCOPE

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

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

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

428.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

428.2POLICY

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

428.3RESPONSIBILITIES

428.3.1 BWC COORDINATOR RESPONSIBILITIES

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

The responsibilities of the coordinator include:

a. Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.
b. Developing inventory and documentation procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Department, recording the date each BWC is placed into or taken out of service, and maintaining the following information:
    1. The total number of devices owned or maintained by the Aitkin Police Department
    2. The daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used
    3. The total amount of recorded audio and video data collected by the BWC media systems and maintained by the Aitkin Police Department
c. Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
    1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
d. Managing BWC media systems so that:
    1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.
    2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
    3. Procedures include a process to obtain written authorization for access to non-public data by APO 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

department policy.

g. Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.
h. Coordinating with the community relations coordinator to (see the Community Relations Policy):
    1. Provide the public with notice of the department's use of BWCs (e.g., posting on the department website or social media pages) (Minn. Stat. § 626.8473, Subd. 3).
    2. Gain insight into community expectations regarding BWC use.
i. Coordinating with the Confidential Secretary to (see the Records Section, 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 Chief of Police 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 Aitkin Police Department that expands the type or scope of surveillance capabilities of the department's portable recorders (Minn. Stat. § 13.825, Subd. 10).

428.3.2 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).

428.4 BWC USE

The following guidelines apply to the use of BWCs:

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

428.4.1 PROHIBITIONS

BWCs should not be used to record:

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

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

428.5ACTIVATION 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. Officers shall follow the APO BWC policy when acting under the command and control of another CLEO or federal law enforcement official.

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.

428.5.1 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.

428.5.2 PRIVACY CONSIDERATIONS

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

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

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

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

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

428.5.3 LIVESTREAMING

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

Livestreaming should only be activated:

a. For purposes of member safety when the member is not responding to their radio or there is some other indication of distress.

b. To assist with situational awareness or tactical decisions during a significant incident.
c. When requested by the member.

428.5.4 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.

428.6 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile

event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Department.

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

428.6.1 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.

428.7 BWC MEDIA

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

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

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

BWC media systems should not be accessed using personal devices unless authorized by the

Chief of Police or the authorized designee.

428.7.1 ACCESS AND USE OF BWC MEDIA

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

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

a. BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.
b. Members may review their own BWC media for department-related purposes. Members should document in their report if they reviewed BWC media before completing the report.
c. Investigators may review BWC media pertaining to their assigned cases.
d. A member testifying regarding a department-related event may review the pertinent BWC media before testifying.
e. Supervisors are permitted to access and view BWC media of their subordinates.
    1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.

    2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would 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 Adminstration is permitted to access and view BWC media for training purposes.
    1. The Adminstration should conduct a quarterly review of a random sampling of BWC media to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.
    2. The Adminstration may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Adminstration 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 Confidential Secretary may access BWC media when necessary to conduct department- related duties.
h. The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system

is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

i. Any member who accesses or releases BWC media without authorization may be subject to discipline (see the Standards of Conduct and the Protected Information policies for additional guidance) (Minn. Stat.§ 626.8473, 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).

428.7.2 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.

428.7.3 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 Chief of Police or the authorized designee and pursuant to department protocols (Minn. Stat.§ 13.825, Subd. 8).

428.7.4 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).

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

428.7.6 BWC MEDIA REGARDING USE OF FORCE INCIDENTS RESULTING IN DEATH

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

a. Allow certain individuals as identified in Minn. Stat. § 13.825, upon request, to inspect all portable recording system data that documents the incident within five days of the request pursuant to the provisions of Minn. Stat. § 13.825.
    1. The Aitkin Police Department 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 form the district court pursuant to section 13.82 subdivision 7.

b. Release all portable recording system data that documents the incident within 14 days of the incident pursuant to the provisions of Minn. Stat. § 13.825
c. 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 (b) unredacted recording of a peace officer using deadly force must be maintained indefinitely.

428.7.7 DENIALS, REDACTIONS, AND NOTICES

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

The Chief of Police 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).

428.8 RETENTION OF BWC MEDIA

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

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

If an individual captured on BWC media submits a written request, the BWC media shall be retained for 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).

428.8.1 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 department procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Evidence Room Policy).

428.8.2 EVIDENTIARY RETENTION REQUIREMENTS

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

a. Any reportable firearms discharge
b. Any use of force by an officer resulting in substantial bodily harm
c. Any incident that results in a formal complaint against an officer

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

428.9 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:

1. Proper use of the BWC device and accessories.
2. When BWC activation is required, permitted, and prohibited.

3. How to respond to an individual's request to stop recording.
4. Proper use of the BWC media systems, including uploading and tagging procedures.
5. 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.