



# INDEPENDENT AUDITOR'S REPORT

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Melrose Police Department



NOVEMBER 29TH, 2025  
RAMPART AUDIT LLC

## Audit Overview and Recommendations

Dear Melrose City Council and Chief Maus:

We have audited the body-worn camera (BWC) program of the Melrose Police Department (MPD) 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)<sup>1</sup> program obtain an independent, biennial audit of its program. This program and its associated data are the responsibility of the Melrose Police Department. Our responsibility is to express an opinion on the operations of this program based on our audit.

On October 16, 2025, Rampart Audit, LLC (Rampart) met with Chief Craig Maus, who provided information about MPD'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 MPD's recordkeeping.

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

### **MPD 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.

Chief Maus provided copies of the following documents as evidence that MPD had met these requirements:

1. A public notice dated January 13, 2021, announcing that a public hearing was to be held during the February 18, 2021, Melrose City Council meeting to discuss the proposed BWC program and policy. The notice included an Internet link to the draft BWC policy, as well as instructions for obtaining a printed copy. It also included an invitation and instructions for providing written comments via email or postal mail in advance of the meeting, or oral comments at the meeting.

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<sup>1</sup> 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 MPD, these terms may be used interchangeably in this report.

2. A second public notice dated February 3, 2021, continuing similar information as the January 13, 2021, public notice.
3. A copy of the February 18, 2021, Melrose City Council meeting minutes, which document that a public hearing was held regarding the proposed MPD BWC program. The minutes noted that the mayor presented an affidavit of publication for the February 3, 2021, edition of the *Star Post*, the local newspaper, and that MPD personnel “provided an overview of the body camera [sic] and their capabilities,” as well as information about their use.

Copies of these documents have been retained in Rampart’s audit files. In our opinion, Melrose 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.”

Rampart verified prior to our audit that there was a working link to the BWC policy on the Melrose Police Department page of the City of Melrose website. In our opinion, Melrose Police Department is compliant with the requirements of §626.8473 Subd. 3(a).

#### **MPD BWC WRITTEN POLICY**

As part of this audit, we reviewed MPD’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 MPD 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.

### **MPD 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 MPD BWC policy identifies the General Records Retention Schedule for Minnesota Cities (GRRSMC) as its records retention schedule; however, the policy also explicitly addresses most of the statutory requirements listed above.

Clause (a) of the Data Retention section of the MPD BWC policy specifies that all BWC data are retained for a minimum of one year, with no exceptions, which Chief Maus confirmed during the audit. This exceeds the requirements of Minn. Stat. §13.825 Subd. 3(a).

Clauses (b) and (c) of the Data Retention section of the MPD BWC policy establish a minimum retention period of seven (7) years for the data categories described in Minn. Stat. §13.825 Subd. 3(b), exceeding the statutory requirement. MPD applies this retention standard to data that document the use of “force of a sufficient type or degree to require a use of force report or supervisory review.” In our opinion, this is a broader standard that would encompass additional data beyond the minimum required by statute.

At the time of our audit, MPD’s BWC policy specified a retention period of seven (7) years for BWC data documenting an officer’s use of deadly force as described in Minn. Stat. §13.825 Subd. 3(c). Prior to the issuance of this report, MPD submitted a revised BWC policy that changes this retention period to “indefinite.” A copy of the updated policy is attached to this report as Appendix B.

Clause (f) of the Data Retention section of the MPD BWC policy addresses the additional retention requirement described in Minn. Stat. §13.825 Subd. 3(d).

Clause (d) of the Data Retention section of the MPD BWC policy notes that “[o]ther data having evidentiary value shall be retained for the period specified in the Records Retention Schedule. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable period.”

Chief Maus advised us that in the event an officer fails to assign a category to a BWC recording, that recording is retained indefinitely to prevent the accidental loss of data.

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.

Though not addressed in MPD’s original BWC policy, Clause (d) of the Data Security Safeguards section of the revised BWC policy addresses the requirements noted in the preceding paragraph.

MPD employs Motorola body-worn cameras and utilizes a secure on-site server to store BWC data. MPD manages BWC data retention through automated retention settings in Motorola’s Evidence Library video management software. The retention period for each video is determined by the data classification assigned at the time of upload; however, this retention period can be adjusted as needed.

MPD’s BWC policy states that “[e]ach officer using a portable recording system is responsible for transferring or assuring the proper transfer of the data from his or her portable recording system to the

storage server by the end of that officer's shift." This is accomplished by physically docking the BWC at the Melrose Police Department in order to upload the data. Officers are required to assign the appropriate data label or labels to each file at the time of capture or transfer to storage.

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

### **MPD BWC Data Destruction**

As discussed above, MPD's BWC data are stored on a secure on-site server, with data retention and deletion schedules managed automatically through the Evidence Library video management software based on the assigned data classification of each video.

Chief Maus advised us that the server employs a redundant drive to guard against the unintended loss of data due to hardware failure. At the time it is retired from service, any MPD hard drive that contains BWC data would be physically destroyed by crushing using city-owned equipment.

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, MPD's BWC policy is compliant with respect to the applicable data destruction requirements.

### **MPD BWC Data Access**

MPD's BWC policy states that officers shall refer "members of the media or public seeking access to Portable Recording Devices data to the Chief of Police or data practices designee, who shall process the request in accordance with the MGDPA [Minnesota Government Data Practices Act] and other governing laws." BWC recordings are shared with members of the public via physical media such as DVD. Such recordings are subject to redaction as described in §13.825 Subd. 4(b).

MPD's BWC policy also states that BWC data "may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented in writing at the time of the disclosure." In addition, BWC data "shall be made available to prosecutors, courts, and other criminal justice entities as provided by law." Chief Maus advised us during the audit that verbal requests from other agencies are also accepted.

BWC data requests are submitted to and processed by the MPD administrative assistant.

Chief Maus advised us that Melrose Police Department has not formalized agreements with neighboring agencies regarding access to MPD BWC data, but rather expects any requesting agency to understand their responsibilities to maintain BWC data security under Minn. Stat. §13.825 Subd. 8(b). BWC data are shared with other law enforcement agencies and prosecutors via physical media such as DVDs.

We recommend that MPD obtain all requests for BWC data from prosecutors and other law enforcement agencies in writing and retain copies of the requests in an audit folder. We also

recommend that MPD remind the recipient of their responsibilities under §13.825 Subd. 8(b) when fulfilling BWC data requests from other agencies. This can be done via email utilizing standard language when fulfilling requests, or by requiring the receiving agency to sign for the DVD when receiving the requested data.

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, MPD's BWC policy had not been updated to address these requirements.

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

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

### **MPD BWC Data Classification**

The Administering Access to Portable Recording System Data section of MPD's BWC Policy states that "Portable recording system data is presumptively private," and further states that "Portable recording system recordings are classified as private data about the data subjects unless there is a specific law that provides differently." Active criminal investigation data are classified as confidential. MPD BWC Policy also identifies certain categories of BWC data that are public.

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

### **MPD BWC Internal Compliance Verification**

The Melrose Police Department Use of Data section of MPD's BWC policy states that:

- (a) Supervisors shall ensure Melrose Police Department peace officers are using their portable recording system equipment per policy.
- (b) At least once a month, supervisors will randomly review portable recording system recordings made by each officer to ensure the equipment is operating properly and Melrose Police Department peace officers are using the devices in accordance with policy...

Chief Maus advised us that he conducts reviews, but described them as "sporadic." Reviews are logged in the Evidence Library software.

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 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, MPD's BWC policy did not include this requirement. Prior to the completion of this report, MPD submitted a revised BWC policy that addresses this requirement.

MPD's BWC policy addresses consequences associated with violations of the policy, to include both disciplinary action and potential criminal penalties.

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

### **MPD BWC Program and Inventory**

MPD currently possesses five (5) Motorola V300 body-worn cameras.

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

Chief Maus advised us that he is able to determine the number of BWCs deployed by reviewing the schedule and/or payroll data.

As of the time of the audit, MPD maintained 7,931 BWC videos.

### **MPD BWC Physical, Technological and Procedural Safeguards**

MPD BWC data are initially recorded to a hard drive in each officer's BWC. Prior to the end of each shift, the officer places his or her BWC in a docking station at MPD. Any BWC data are then uploaded automatically to a secure server housed inside the MPD facility. That server contains a redundant hard drive to guard against the accidental loss of data.

MPD does not utilize any form of off-site storage, which increases the risk of loss of data due to physical hazards such as fire, flood or wind events.

Officers have view-only access to their own data for report writing, trial preparation, data administration, investigatory purposes and other legitimate law enforcement purposes. While all access is logged, Chief Maus advised us that the system does not require the user to provide a reason for the access.

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. Though not addressed in the original policy, the Use and Documentation section of MPD's revised BWC policy states that: "Melrose Police Department officers utilizing a portable recording system shall 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." While this language could use clarification, we understand that the intended meaning is that the BWC is to be worn at or above the mid-line of the waist.

### **Enhanced Surveillance Technology**

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

### **Data Sampling**

Rampart selected a random sample of 132 calls for service (CFS) from which to review any available BWC recordings. It should be noted that not every call will result in an officer activating his or her BWC. For example, an officer who responds to a driving complaint but is unable to locate the suspect vehicle would be unlikely to activate his or her BWC. It should also be noted that because this audit covers a period of two years, while most BWC data is only required to be retained for 90 days, there is a significant likelihood that the sample population will include calls for which BWC data was created, but which has since been deleted due to the expiration of the retention period. The auditors reviewed the retained BWC videos to determine whether this data was accurately documented in MPD records.

All but one of the reviewed videos were correctly labeled.

### **Audit Conclusions**

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

A handwritten signature in black ink, appearing to read "Rampart Audit, LLC".

Rampart Audit, LLC

11/29/2025

## **APPENDIX A:**

**Policy #690.52**

### **PORTABLE RECORDING SYSTEMS (BODY CAMERAS)**

#### **POLICY:**

The Melrose Police Department may provide Melrose Police Department peace officers with portable recording systems for use during the performance of their duties. The use of portable recording systems is intended to enhance the mission of the Department by accurately capturing contacts between Department peace officers and the public. It is the policy to authorize and require the use of department-issued portable recording systems as set forth below, and to administer portable recording systems data as provided by law.

#### **PURPOSE:**

The primary purpose of using Melrose Police Department-issued portable recording system, worn by Melrose Police Department peace officers, is to capture evidence arising from police-citizen encounters. This policy sets forth guidelines governing the use of portable recording systems and administering the data that results. Compliance with these guidelines is mandatory, but it is recognized that Melrose Police Department peace officers must also attend to other primary duties and the safety of all concerned and are often forced to make split-second judgments, sometimes in circumstances that are tense, uncertain and rapidly evolving. As indicated, this policy governs the use of portable recording systems in the course of official duties.

#### **A. SCOPE:**

This policy governs the use of portable recording systems by department peace officers while in the performance of their duties consistent with (Minn. Stat. § 626.8473).

This policy does not apply to mobile audio or video recordings made by devices not worn by Melrose Police Department peace officers such as in-squad cameras, wiretaps, or concealed listening devices unless captured by a portable recording system. The Chief of Police or a Chief of Police designee may supersede this policy by providing specific instructions for portable recording system's use to individual Melrose Police Department peace officers, or providing specific instructions pertaining to particular events or classes of events, including but not limited to political rallies and demonstrations. The Chief of Police or designee may also provide specific instructions or standard operating procedures for portable recording system's use to Melrose Police Department peace officers assigned to specialized details, such as carrying out duties in courts or guarding prisoners or patients in hospitals or mental health facilities.

#### **B. DEFINITIONS:**

The following phrases have special meanings as used in this policy:

- 1) Portable recording system means a device issued by the Melrose Police Department worn by a Melrose Police Department peace officer that is capable of both video and audio recording of the Melrose Police Department peace officer's activities and interactions with others or collecting digital multimedia evidence as part of an investigation and as provided in Minn. Stat. 13.825.
- 2) MGDPA or Data Practices Act means the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.
- 3) Records Retention Schedule means the General Records Retention Schedule for Minnesota Cities.
- 4) Law enforcement related information means information captured or available for capture by use of a portable recording system that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.
- 5) Evidentiary value means information that may be useful as proof in a criminal prosecution, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against the Melrose Police Department or officer.
- 6) General citizen contact means an informal encounter with a citizen that is not and does not become law enforcement related or adversarial, and a recording of the event would not yield information relevant to an ongoing investigation. Examples include, but are not limited to, assisting a motorist with directions, summoning a wrecker, or receiving generalized concerns from a citizen about crime trends in his or her neighborhood.
- 7) Adversarial means a law enforcement encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.
- 8) Unintentionally recorded footage means a video recording that results from a Melrose Police Department officer's inadvertence or neglect in operating the officer's portable recording system, provided that no

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

- 9) Official duties mean authorized law enforcement services performed by a Melrose Police Department peace officer on behalf of the Melrose Police Department while the peace officer is on duty for the Melrose Police Department.

C: **COORDINATOR:**

The Chief of Police or the authorized designee should designate a coordinator responsible for complying with the following certain legal requirements of portable recording systems under Minn. Stat. § 626.8473 and Minn. Stat. § 13.825):

- 1) Establishing an inventory of portable recording systems including:
  - a. Total number of devices owned or maintained by the Melrose Police Department peace officers and if applicable, the precinct or district in which the devices were used.
  - b. Daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used.
  - c. Total amount of recorded audio and video data collected by the devices and maintained by the Melrose Police Department.
- 2) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
- 3) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Melrose Police Department that expands the type or scope of surveillance capabilities of the Melrose Police Department's portable recording systems.
- 4) Retaining this policy, together with the Records Retention Schedule.

D: **MELROSE POLICE DEPARTMENT PEACE OFFICER - NO PRIVACY EXPECTATION:**

All recordings made by Melrose Police Department peace officers on any portable recording system at any time or while acting in an official capacity shall remain the property of the Department. Melrose Police Department and Melrose Police Department peace officers shall have no expectation of privacy or ownership interest in the content of these recordings.

E: **USE AND DOCUMENTATION:**

- 1) Melrose Police Department peace officers may use only department-issued portable recording systems in the performance of official duties for the Melrose Police Department or when otherwise performing authorized law enforcement services as an employee of Melrose.
- 2) Melrose Police Department peace officers who have been issued portable recording systems shall operate and use them consistent with this policy. Melrose Police Department officers shall conduct a function test of their issued portable recording system at the beginning of each shift to make sure the devices are operating properly. Melrose Police Department peace officers noting a malfunction during testing or at any other time shall promptly report the malfunction to the Melrose Police Department peace officer's supervisor and shall document the report in writing. Supervisors shall take prompt action to address malfunctions and document the steps taken in writing.
- 3) Melrose Police Department peace officers should wear their issued portable recording systems at the location on their body and in the manner specified in training.
- 4) Melrose Police Department peace officers must document portable recording system use and non-use as follows:
  - a. Whenever an officer makes a recording, the existence of the recording shall be documented in an incident report, in CAD comments or other documentation of the event.
  - b. Whenever an officer fails to record an activity that is required to be recorded under this policy or captures only a part of the activity, the officer must document the circumstances and reasons for not recording in an incident report, in CAD comments or other documentation of the event. Supervisors shall review these reports and initiate any corrective action deemed necessary.

F: **RECORDING**

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

**1) MANDATORY RECORDING:**

The recording system must be activated when a Melrose Police Department peace officer anticipates that they will be involved in, become involved in, or witness other Melrose Police Department peace officers involved in:

- (a) A pursuit
- (b) Terry Stop of a motorist or pedestrian
- (c) Search
- (d) Seizure
- (e) Arrest
- (f) Use of force
- (g) Adversarial contact
- (h) The transportation and the physical transfer of persons in their custody to hospitals, detox and mental health care facilities, juvenile detention centers and jails
- (i) Other activities likely to yield information having evidentiary value. However, Melrose Police Department peace officers need not activate the recording system when it would be unsafe, impossible or impractical to do so, but such instances of not recording when otherwise required must be documented as specified in the Use and Documentation guidelines, as outlined in this policy.

Melrose Police Department peace officers have no affirmative duty to inform people that a portable recording system is being operated or that the individuals are being recorded.

**2) DISCRETIONARY RECORDING:**

Melrose Police Department peace officers have discretion to record or not record general citizen contacts which are not otherwise mandatory as specified above. In exercising this discretion, Melrose Police Department peace officers should give substantial consideration to requests by citizens to stop recording.

Melrose Police Department peace officers need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value. When responding to an apparent mental health crisis or event, the portable recording system shall be activated as necessary to document any use of force and the basis for it, and any other information having evidentiary value, but need not be activated when doing so would serve only to record symptoms or behaviors believed to be attributable to the mental health issue.

3) CESSATION OF RECORDING:

Once activated, the portable recording system should remain on continuously until the Melrose Police Department peace officer reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for mandatory recording.

Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

The officer having charge of a scene shall likewise direct the discontinuance of recording when fm1her recording is unlikely to capture additional information having evidentiary value.

If the recording is discontinued while an investigation, response, or incident is ongoing officers shall state the reasons for ceasing the recording on the portable recording system before deactivating their portable recording system. If circumstances change, officers shall reactivate their portable recording systems as required by this policy to capture information having evidentiary value.

Officers shall not intentionally block the portable recording system's audio or visual recording functionality to defeat the purposes of this policy.

(a) EXPLOSIVE DEVICE:

Many portable recording systems, including body-worn po11able recording systems 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.

4) PROHIBITED USE OF RECORDING SYSTEMS

Melrose Police Department peace officers are prohibited from using department-issued portable recording systems for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Melrose Police Department peace officers shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Melrose Police Department.

Recordings shall not be used by any Melrose Police Department peace officer for the purpose of embarrassment, harassment or ridicule.

The portable recording system should not be activated in:

- (a) any court of law, unless authorized by a judge or the officer ant1c1pates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of-force incident consistent with Minn. Gen. R.P.

(b) Hospitals, detox and mental health care facilities, juvenile detention centers, and jails unless the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of-force incident.

G: **DOWNLOADING AND LABELING DATA:**

1. Each officer using a portable recording system is responsible for transferring or assuring the proper transfer of the data from his or her portable recording system to the storage server used by the department by the end of that officer's shift. However, if the officer is involved in a shooting, in-custody death, or other law enforcement activity resulting in death or great bodily

harm, a supervisor or investigator shall take custody of the officer's portable recording system and assume responsibility for transferring the data from it.

2. Melrose Police Department peace officers shall label the portable recording system data files at the time of video capture or transfer to storage and should consult with a supervisor if in doubt as to the appropriate labeling. Melrose Police Department peace officers should assign as many of the following labels as are applicable to each file:
  - a. Criminal: The information has evidentiary value with respect to an actual or suspected criminal incident or charging decision above the level of Petty Misdemeanor. The recording has potential evidentiary value for reasons identified by the officer at the time of labeling. Whether or not enforcement action was taken, or an arrest resulted, an officer seized property from an individual or directed an individual to dispossess property.
  - b. Use of Force/Pursuit: Whether or not enforcement action was taken, or an arrest resulted, the event involved the application of force by a law enforcement officer of the Melrose Police Department or another agency.
  - c. Adversarial: The incident involved an adversarial encounter.
  - d. Training Value: The event was such that it may have value for training.
  - e. Test/Unintentional Recording: Footage captured through routine function testing or unintentional recording.
  - f. General: The recording does not contain any of the foregoing

categories of information and has no apparent evidentiary value. Recordings of general citizen contacts are not evidence.

- g. Traffic Citation: The recording documents the issuance of Misdemeanor or Petty Misdemeanor traffic citation with the except of DUI which would consider criminal.
- 3. Labeling and flagging designations may be corrected or amended based on additional information.

H: **DATA ADMINISTRATION:**

1) **DATA RETENTION**

- (a) Portable recording system data shall be retained for a minimum period of one year or 365 days. There are no exceptions for erroneously recorded or non-evidentiary data.
- (b) Data documenting the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous, must be maintained for a minimum period of seven years.
- (c) Certain kinds of portable recording system data must be retained for seven years:
  - 1) 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.
  - 2) Data documenting circumstances that have given rise to a formal complaint against an officer.
- (d) Other data having evidentiary value shall be retained for the period specified in the Records Retention Schedule. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable period.
- (e) Subject to (f) (below), all other portable recording system footage that is classified as non-evidentiary becomes classified as non-evidentiary or is not maintained for training shall be destroyed after one year or 365 days.
- (f) Upon written request by a portable recording system data subject, the Melrose Police Department shall retain a recording pertaining to that subject for an additional time period requested by the subject of

up to 180 days. The Melrose Police Department will notify the requester at the time of the request that the data will then be destroyed unless a new written request is received.

- (g) The department shall maintain an inventory of portable recording system recordings having evidentiary value.
- (h) The department **will** post this policy, together with a link to its Records Retention Schedule, on its website.

2) **DATA SECURITY SAFEGUARDS**

- (a) Any technology vendor that supports the department portable recording system program must be successfully screened by the Minnesota Bureau of

Criminal Apprehension (BCA) and be in compliance with the FBI's Criminal Justice Information System (CJIS) security policy program and the BCA security policy.

- (b) Access to portable recording system data from city or personally owned and approved devices shall be managed in accordance with established city policy.
- (c) Melrose Police Department officers shall not intentionally edit, alter, or erase any portable recording system recording unless otherwise expressly authorized by the Chief of Police or the Chief of Police's designee.
- (ct) As required by Minn. Stat 13.825, subd. 9 as may be amended from time to time, the Melrose Police Department shall obtain an independent biennial audit of its portable recording system program.

3) **ADMINISTERING ACCESS TO PORTABLE RECORDING SYSTEM DATA**

- (a) Data Subjects. Under Minnesota law, the following are considered data subjects for purposes of administering access to portable recording system data:

- 1) Any person or entity whose image or voice is documented in the data.
- 2) The officer who collected the data.
- 3) Any other officer whose voice or image is documented in the data, regardless of whether that officer is or can be identified by the recording.

- (b) Portable recording system data is presumptively private. Portable recording system recordings are classified as private data about the data

subjects unless there is a specific law that provides differently. As a result:

- 1) Portable recording system data pertaining to the people is presumed private, as is portable recording system data pertaining to businesses or other entities.
- 2) Some portable recording system data is classified as confidential (see(c) below).
- 3) Some portable recording system data is classified as public (See (d) below)

(c) Confidential data. Portable recording system data that is collected or created as part of an active criminal investigation is confidential. This classification takes precedence over the "private" classification listed above and the "public" classifications listed below.

(d) Public data. The following portable recording system data is public:

- 1) Data documenting the discharge of a firearm by a peace officer in course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous.
- 2) Data that documents the use of force by a Melrose Police Department peace officers that results in substantial bodily harm.
- 3) Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any data subject (other than a peace officer) who has not consented to the public release must be redacted if practicable. In addition, any data on undercover Melrose Police Department peace officers must be redacted.
- 4) Data that documents the final disposition of a disciplinary action against a public employee. However, if another provision of the Data Practices Act classifies data as private or otherwise not public, the data retains that other classification. However, if another provision of the Data Practices Act classifies data as private or otherwise not public, the data retains that other classification. For instance, data that reveals protected identities under Minn. Stat. 13.82, Subd. 17 (e.g., certain victims, witnesses, and others) should not be released even if it would otherwise fit into one of the public categories listed above.

(e) Access to portable recording system data by non-employees. Melrose Police Department peace officers shall refer members of the media or

public seeking access to portable recording system data to the Chief of Police or data practice designee, who shall process the request in accordance with the MGDPA and other governing laws. In particular:

- 1) An individual shall be allowed to review recorded portable recording system data about him- or herself and other data subjects in the recording, but shall not be granted
  - 1) If the data was collected or created as part of an active investigation.
  - 2) To portions of the data that the Melrose Police Department would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minn. Stat 13.82, subd. 17.
- 2) Unless the data is part of an active investigation, an individual data subject shall be provided with a copy of the recording upon request, but subject to the following guidelines on redaction:
  1. Data on other individuals in the recording who do not consent to the release must be redacted.
  11. Data that would identify undercover Melrose Police Department peace officers must be redacted.
  111. Data on other Melrose Police Department peace officers who are not undercover, and who are on duty and engaged in the performance of official duties, may not be redacted.

(I) Access by Melrose Police Department peace officers and law enforcement employees. No employee may have access to the department's portable recording system data except for legitimate law enforcement or data administration purposes:

- 1) Melrose Police Department peace officers may access, and view stored portable recording system video only when there is a business need for doing so, including the need to defend against an allegation of misconduct or substandard performance. Melrose Police Department peace officers may review video footage of an incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about the incident.
- 2) Melrose Police Department personnel shall document their reasons for accessing stored portable recording system data in the manner provided within the database at the time of each access. Melrose Police Department personnel are prohibited from accessing portable recording system data for non-business reasons and from sharing the data for non-law enforcement related

purposes, including but not limited to uploading portable recording system data recorded or maintained by the Melrose Police Department onto public and social media websites.

- 3) Employees seeking access to portable recording system data for non- business reasons may make a request for it in the same manner as any member of the public.
- (g) Other authorized disclosures of data. Melrose Police Department peace officers may display portions of portable recording system footage to witnesses as necessary for purposes of investigation as allowed by Minn. Stat. 13.82, subd. 15, as may be amended from time to time. Melrose Police Department peace officers should generally limit these displays in order to protect against the incidental disclosure of individuals whose identities are not public. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio but not displaying video. In addition,
  1. Portable recording system data may be shared with other law enforcement agencies only for legitimate law enforcement purposes and that are documented in writing at the time of the disclosure.
  2. Portable recording system data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

4) MELROSE POLICE DEPARTMENT USE OF DATA

- (a) Supervisors shall ensure Melrose Police Department peace officers are using their portable recording system equipment per policy.
- (b) At least once a month, supervisors will randomly review portable recording system recordings made by each officer to ensure the equipment is operating properly and Melrose Police Department peace officers are using the devices appropriately in accordance with policy, and to identify any performance areas <sup>111</sup> which additional training or guidance is required.
- (c) In addition, supervisors and other assigned personnel may access portable recording system data for purposes of reviewing or investigating a specific incident that has given rise to a complaint or concern about officer misconduct or performance.
- (d) Nothing in this policy limits or prohibits the use of portable recording system data as evidence of misconduct or as a basis for discipline.

(e) Melrose Police Department peace officers should contact their supervisors to discuss retaining and using portable recording system footage for training purposes. Officer objections to preserving or using certain footage for training will be considered on a case-by-case basis. Field training Melrose Police Department officers may utilize portable recording system data with trainees for the purpose of providing coaching and feedback on the trainees' performance.

#### 5) SUPERVISOR RESPONSIBILITIES

In addition to other responsibilities specified in other provisions of this policy, supervisors must do the following:

- (a) Supervisors should determine corrective action for nonfunctioning portable recording system equipment.
- (b) When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the portable recording system properly uploaded.
- (c) Supervisors shall monitor for compliance with this policy.

#### 6) COMPLIANCE

The unauthorized access to or disclosure of portable recording system data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat 13.09

Dated:

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Craig  
Maus  
Chief of  
Police

**APPENDIX B:**

**MELROSE POLICE DEPARTMENT**

**Policy & Procedure Manual**

**PORTABLE RECORDING SYSTEMS (BODY CAMERAS)**

**Policy  
#690.52**

**POLICY:**

The Melrose Police Department may provide Melrose Police Department peace officers with portable recording systems for use during the performance of their duties. The use of portable recording systems is intended to enhance the mission of the Department by accurately capturing contacts between Department peace officers and the public. It is the policy to authorize and require the use of department-issued portable recording systems as set forth below, and to administer portable recording systems data as provided by law.

**PURPOSE:**

The primary purpose of using Melrose Police Department-issued portable recording system, worn by Melrose Police Department peace officers, is to capture evidence arising from police-citizen encounters. This policy sets forth guidelines governing the use of portable recording systems and administering the data that results. Compliance with these guidelines is mandatory, but it is recognized that Melrose Police Department peace officers must also attend to other primary duties and the safety of all concerned and are often forced to make split second judgments, sometimes in circumstances that are tense, uncertain and rapidly evolving. As indicated, this policy governs the use of portable recording systems in the course of official duties.

**A. SCOPE:**

This policy governs the use of portable recording systems by department peace officers while in the performance of their duties consistent with (Minn. Stat. § 626.8473).

This policy does not apply to mobile audio or video recordings made by devices not worn by Melrose Police Department peace officers such as in-squad cameras, wiretaps, or concealed listening devices unless captured by a portable recording system. The Chief of Police or a Chief of Police designee may supersede this policy by providing specific instructions for portable recording system's use to individual Melrose Police Department peace officers, or providing specific instructions pertaining to particular events or classes of events, including but not limited to political rallies and demonstrations. The Chief of Police or designee may also provide specific instructions or standard operating procedures for portable recording system's use to Melrose Police Department peace officers assigned to specialized details, such as carrying out duties in courts or guarding prisoners or patients in hospitals or mental health facilities.

**B. DEFINITIONS:**

The following phrases have special meanings as used in this policy:

- 1) Portable recording system means a device issued by the Melrose Police Department worn by a Melrose Police Department peace officer

that is capable of both video and audio recording of the Melrose Police Department peace officer's activities and interactions with others or collecting digital multimedia evidence as part of an investigation and as provided in Minn. Stat. 13.825.

- 2) MGDPA or Data Practices Act means the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.
- 3) Records Retention Schedule means the General Records Retention Schedule for Minnesota Cities.
- 4) Law enforcement related information means information captured or available for capture by use of a portable recording system that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.
- 5) Evidentiary value means information that may be useful as proof in a criminal prosecution, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against the Melrose Police Department or officer.
- 6) General citizen contact means an informal encounter with a citizen that is not and does not become law enforcement related or adversarial, and a recording of the event would not yield information relevant to an ongoing investigation. Examples include, but are not limited to, assisting a motorist with directions, summoning a wrecker, or receiving generalized concerns from a citizen about crime trends in his or her neighborhood.
- 7) Adversarial means a law enforcement encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.
- 8) Unintentionally recorded footage means a video recording that results from a Melrose Police Department officer's inadvertence or neglect in operating the officer's portable recording system, provided that no portion of the resulting recording has evidentiary value. Examples of unintentionally recorded footage include, but are not limited to, recordings made in station house locker rooms, restrooms, and recordings made while Melrose Police Department were engaged in

conversations of a non-business or personal nature with the expectation that the conversation was not being recorded.

- 9) Official duties mean authorized law enforcement services performed by a Melrose Police Department peace officer on behalf of the Melrose Police Department while the peace officer is on duty for the Melrose Police Department.

C: COORDINATOR:

The Chief of Police or the authorized designee should designate a coordinator responsible for complying with the following certain legal requirements of portable recording systems under Minn. Stat. § 626.8473 and Minn. Stat. § 13.825):

- 1) Establishing an inventory of portable recording systems including:
  - a. Total number of devices owned or maintained by the Melrose Police Department peace officers and if applicable, the precinct or district in which the devices were used.
  - b. Daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used.
  - c. Total amount of recorded audio and video data collected by the devices and maintained by the Melrose Police Department.
- 2) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
- 3) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Melrose Police Department that expands the type or scope of surveillance capabilities of the Melrose Police Department's portable recording systems.
- 4) Retaining this policy, together with the Records Retention Schedule.

D: MELROSE POLICE DEPARTMENT PEACE OFFICER- NO PRIVACY EXPECTATION:

All recordings made by Melrose Police Department peace officers on any portable recording system at any time or while acting in an official capacity shall remain the property of the Department. Melrose Police Department and Melrose Police Department peace officers shall have no expectation of privacy or ownership interest in the content of these recordings.

E: USE AND DOCUMENTATION:

- 1) Melrose Police Department peace officers may use only department-

issued portable recording systems in the performance of official duties for the Melrose Police Department or when otherwise performing authorized law enforcement services as an employee of Melrose.

- 2) Melrose Police Department peace officers who have been issued portable recording systems shall operate and use them consistent with this policy. Melrose Police Department officers shall conduct a function test of their issued portable recording system at the beginning of each shift to make sure the devices are operating properly. Melrose Police Department peace officers noting a malfunction during testing or at any other time shall promptly report the malfunction to the Melrose Police Department peace officer's supervisor and shall document the report in writing. Supervisors shall take prompt action to address malfunctions and document the steps taken in writing.
- 3) Melrose Police Department peace officers utilizing a portable recording system shall 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) Melrose Police Department Officers wearing a portable recording system shall 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) Melrose Police Department peace officers must document portable recording system use and non-use as follows:
  - a. Whenever an officer makes a recording, the existence of the recording shall be documented in an incident report, in CAD comments or other documentation of the event.
  - b. Whenever an officer fails to record an activity that is required to be recorded under this policy or captures only a part of the activity, the officer must document the circumstances and reasons for not recording in an incident report, in CAD comments or other documentation of the event. Supervisors shall review these reports and initiate any corrective action deemed necessary.

F: **RECORDING**

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

1) **MANDATORY RECORDING:**

The recording system must be activated when a Melrose Police Department peace officer anticipates that they will be involved in, become involved in, or witness other Melrose Police Department peace officers involved in:

- (a) A pursuit
- (b) Terry Stop of a motorist or pedestrian
- (c) Search
- (d) Seizure
- (e) Arrest
- (f) Use of force
- (g) Adversarial contact
- (h) The transportation and the physical transfer of persons in their custody to hospitals, detox and mental health care facilities, juvenile detention centers and jails
- (i) Other activities likely to yield information having evidentiary value. However, Melrose Police Department peace officers need not activate the recording system when it would be unsafe, impossible or impractical to do so, but such instances of not recording when otherwise required

must be documented as specified in the Use and Documentation guidelines, as outlined in this policy.

Melrose Police Department peace officers have no affirmative duty to inform people that a portable recording system is being operated or that the individuals are being recorded.

2) **DISCRETIONARY RECORDING:**

Melrose Police Department peace officers have discretion to record or not record general citizen contacts which are not otherwise mandatory as specified above. In exercising this discretion, Melrose Police Department peace officers should give substantial consideration to requests by citizens to stop recording.

Melrose Police Department peace officers need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value. When responding to an apparent mental health crisis or event, the portable recording system shall be activated as necessary to document any use of force and the basis for it, and any other information having evidentiary value, but need not be activated when doing so would serve only to record symptoms or behaviors believed to be attributable to the mental health issue.

3) CESSATION OF RECORDING:

Once activated, the portable recording system should remain on continuously until the Melrose Police Department peace officer reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for mandatory recording.

Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

The officer having charge of a scene shall likewise direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value.

If the recording is discontinued while an investigation, response, or incident is ongoing, officers shall state the reasons for ceasing the recording on the portable recording system before deactivating their portable recording system. If circumstances change, officers shall reactivate their portable recording systems as required by this policy to capture information having evidentiary value.

Officers shall not intentionally block the portable recording system's audio or visual recording functionality to defeat the purposes of this policy.

(a) EXPLOSIVE DEVICE:

Many portable recording systems, including body-worn portable recording systems 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.

4) PROHIBITED USE OF RECORDING SYSTEMS:

Melrose Police Department peace officers are prohibited from using department-issued portable recording systems for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Melrose Police Department peace officers shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Melrose Police Department.

Recordings shall not be used by any Melrose Police Department peace officer for the purpose of embarrassment, harassment or ridicule.

The portable recording system should not be activated in:

- (a) any court of law, unless authorized by a judge or the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of-force incident consistent with Minn. Gen. R.P.
- (b) Hospitals, detox and mental health care facilities, juvenile detention centers, and jails unless the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of-force incident.

**G: DOWNLOADING AND LABELING DATA:**

1. Each officer using a portable recording system is responsible for transferring or assuring the proper transfer of the data from his or her portable recording system to the storage server used by the department by the end of that officer's shift. However, if the officer is involved in a shooting, in-custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor or investigator shall take custody of the officer's portable recording system and assume responsibility for transferring the data from it.
2. Melrose Police Department peace officers shall label the portable recording system data files at the time of video capture or transfer to storage and should consult with a supervisor if in doubt as to the appropriate labeling. Melrose Police Department peace officers should assign as many of the following labels as are applicable to each file:
  - a. Criminal: The information has evidentiary value with respect to an actual or suspected criminal incident or charging decision above the level of Petty Misdemeanor. The recording has

potential evidentiary value for reasons identified by the officer at the time of labeling. Whether or not enforcement action was taken, or an arrest resulted, an officer seized property from an individual or directed an individual to dispossess property.

- b. Use of Force/Pursuit: Whether or not enforcement action was taken, or an arrest resulted, the event involved the application of force by a law enforcement officer of the Melrose Police Department or another agency.
- c. Adversarial: The incident involved an adversarial encounter.
- d. Training Value: The event was such that it may have value for training.
- e. Test/Unintentional Recording: Footage captured through routine function testing or unintentional recording.
- f. General: The recording does not contain any of the foregoing categories of information and has no apparent evidentiary value. Recordings of general citizen contacts are not evidence.
- g. Traffic Citation: The recording documents the issuance of Misdemeanor or Petty Misdemeanor traffic citation with the exception of DUI which would consider criminal.

3. Labeling and flagging designations may be corrected or amended based on additional information.

H: **DATA ADMINISTRATION:**

1) **DATA RETENTION**

(a) Portable recording system data shall be retained for a minimum period of one year or 365 days. There are no exceptions for erroneously recorded or non-evidentiary data.

- (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.
- (b) Data documenting the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous, must be maintained for a minimum period of seven years.
- (c) Certain kinds of portable recording system data must be retained for seven years:
  - 1) 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.
  - 2) Data documenting circumstances that have given rise to a formal complaint against an officer.
- (d) Other data having evidentiary value shall be retained for the period specified in the Records Retention Schedule. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable period.
- (e) Subject to (f) (below), all other portable recording system footage that is classified as non-evidentiary becomes classified as non-evidentiary or is not maintained for training shall be destroyed after one year or 365 days.
- (f) Upon written request by a portable recording system subject, the Melrose Police Department shall retain a recording pertaining to that subject for an additional time period requested by the subject of up to 180 days. The Melrose Police Department will notify the requester at the time of the request that the data will then be destroyed unless a new written request is received.
- (g) The department shall maintain an inventory of portable recording system recordings having evidentiary value.
- (h) The department will post this policy, together with a link to its Records Retention Schedule, on its website.

## 2) DATA SECURITY SAFEGUARDS

- (a) Any technology vendor that supports the department portable recording system program must be successfully screened by the Minnesota Bureau of Criminal Apprehension (BCA) and be in compliance with the FBI's Criminal Justice Information System (CITS) security policy program and the BCA security policy.

- (b) Access to portable recording system data from city or personally owned and approved devices shall be managed in accordance with established city policy.
- (c) Melrose Police Department officers shall not intentionally edit, alter, or erase any portable recording system recording unless otherwise expressly authorized by the Chief of Police or the Chief of Police's designee.
- (d) 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 is prohibited, except that the full, unedited, and (b) unredacted recording of a peace officer using deadly force must be maintained indefinitely.
- (e) As required by Minn. Stat. 13.825, subd. 9 as may be amended from time to time, the Melrose Police Department shall obtain an independent biennial audit of its portable recording system program.

### 3) ADMINISTERING ACCESS TO PORTABLE RECORDING SYSTEM DATA

- (a) Data Subjects. Under Minnesota law, the following are considered data subjects for purposes of administering access to portable recording system data:

- 1) Any person or entity whose image or voice is documented in the data.
- 2) The officer who collected the data.
- 3) Any other officer whose voice or image is documented in the data, regardless of whether that officer is or can be identified by the recording.

- (b) Portable recording system data is presumptively private. Portable recording system recordings are classified as private data about the data subjects unless there is a specific law that provides differently. As a result:

- 1) Portable recording system data pertaining to the people is presumed private, as is portable recording system data pertaining to businesses or other entities.
- 2) Some portable recording system data is classified as confidential (see(c) below).
- 3) Some portable recording system data is classified as public (See (d) below).

- (c) Confidential data. Portable recording system data that is collected or created as part of an active criminal investigation is confidential. This classification takes precedence over the "private" classification listed above and the "public" classifications listed below.
- (d) Public data. The following portable recording system data is public:
  - 1) Data documenting the discharge of a firearm by a peace officer in course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous.
  - 2) Data that documents the use of force by a Melrose Police Department peace officers that results in substantial bodily harm.
  - 3) Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any data subject (other than a peace officer) who has not consented to the public release must be redacted if practicable. In addition, any data on undercover Melrose Police Department peace officers must be redacted.
  - 4) Data that documents the final disposition of a disciplinary action against a public employee. However, if another provision of the Data Practices Act classifies data as private or otherwise not public, the data retains that other classification. However, if another provision of the Data Practices Act classifies data as private or otherwise not public, the data retains that other classification. For instance, data that reveals protected identities under Minn. State. 13.82, Subd. 17 (e.g., certain victims, witnesses, and others) should not be released even if it would otherwise fit into one of the public categories listed above.
- (e) Access to portable recording system data by non-employees. Melrose Police Department peace officers shall refer members of the media or public seeking access to portable recording system data to the Chief of Police or data practice designee, who shall process the request in accordance with the MGDPA and other governing laws. In particular:

- 1) An individual shall be allowed to review recorded portable recording system data about him- or herself and other data subjects in the recording, but shall not be granted:
  - 1) If the data was collected or created as part of an active investigation.
  - 2) To portions of the data that the Melrose Police Department would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minn. Stat. 13.82, subd. 17.
- 2) Unless the data is part of an active investigation, an individual data subject shall be provided with a copy of the recording upon request, but subject to the following guidelines on redaction:
  1. Data on other individuals in the recording who do not consent to the release must be redacted.
  11. Data that would identify undercover Melrose Police Department peace officers must be redacted.
  111. Data on other Melrose Police Department peace officers who are not undercover, and who are on duty and engaged in the performance of official duties, may not be redacted.
- (f) Access by Melrose Police Department peace officers and law enforcement employees. No employee may have access to the department's portable recording system data except for legitimate law enforcement or data administration purposes:
  - 1) Melrose Police Department peace officers may access, and view stored portable recording system video only when there is a business need for doing so, including the need to defend against an allegation of misconduct or substandard performance. Melrose Police Department peace officers may review video footage of an incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about the incident.
  - 2) Melrose Police Department personnel shall document their reasons for accessing stored portable recording system data in the manner provided within the database at the time of each access. Melrose Police Department personnel are prohibited from accessing portable recording system data for non-business reasons and from sharing the data for non-law enforcement related purposes, including but not limited to

uploading portable recording system data recorded or maintained by the Melrose Police Department onto public and social media websites.

- 3) Employees seeking access to portable recording system data for non- business reasons may make a request for it in the same manner as any member of the public.
- (g) Other authorized disclosures of data. Melrose Police Department peace officers may display portions of portable recording system footage to witnesses as necessary for purposes of investigation as allowed by Minn. Stat. 13.82, subd. 15, as may be amended from time to time. Melrose Police Department peace officers should generally limit these displays in order to protect against the incidental disclosure of individuals whose identities are not public. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio but not displaying video. In addition,
  1. Portable recording system data may be shared with other law enforcement agencies only for legitimate law enforcement purposes and that are documented in writing at the time of the disclosure.
  2. Portable recording system data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

- (h) 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;

- 0) 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;

4) **MELROSE POLICE DEPARTMENT USE OF DATA**

- (a) Supervisors shall ensure Melrose Police Department peace officers are using their portable recording system equipment per policy.
- (b) At least once a month, supervisors will randomly review portable recording system recordings made by each officer to ensure the equipment is operating properly and Melrose Police Department peace officers are using the devices appropriately in accordance with policy, and to identify any performance areas in which additional training or guidance is required.
- (c) In addition, supervisors and other assigned personnel may access portable recording system data for purposes of reviewing or investigating a specific incident that has given rise to a complaint or concern about officer misconduct or performance.
- (d) Nothing in this policy limits or prohibits the use of portable recording system data as evidence of misconduct or as a basis for discipline.
- (e) Melrose Police Department peace officers should contact their supervisors to discuss retaining and using portable recording system footage for training purposes. Officer objections to preserving or using certain footage for training will be considered on a case- by-case basis. Field training Melrose Police Department officers may utilize portable recording system data with trainees for the purpose of providing coaching and feedback on the trainees' performance.

5) **SUPERVISOR RESPONSIBILITIES**

In addition to other responsibilities specified in other provisions of this policy, supervisors must do the following:

- (a) Supervisors should determine corrective action for nonfunctioning portable recording system equipment.
- (b) When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the portable recording system properly uploaded.
- (c) Supervisors shall monitor for compliance with this policy.

6) **COMPLIANCE**

The unauthorized access to or disclosure of portable recording system data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. 13.09

Dated:

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Craig  
Maus  
Chief of  
Police