



INDEPENDENT AUDITOR'S REPORT

Menahga Police Department



JANUARY 9TH, 2026

RAMPART AUDIT LLC

Audit Overview and Recommendations

Dear Menahga City Council and Chief Lane:

We have audited the body-worn camera (BWC) program of the Menahga Police Department (MPD) for the two-year period ended 10/10/2025. 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 Menahga 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 Amy Lane, 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 Lane provided copies of the following documents as evidence that MPD had met these requirements:

1. A public notice dated September 27, 2023, and published in the *Review Messenger* newspaper, which serves the Cities of Menahga and Sebeka, announcing that a public hearing was to be held during the October 10, 2023, Menahga City Council meeting to discuss the proposed BWC program and policy. The notice provided instructions for reviewing a copy of the proposed BWC policy. 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.

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

2. A copy of the October 10, 2023, Menahga City Council meeting minutes, which document that a public hearing was held regarding the proposed MPD BWC program. The minutes noted that the Menahga VFW donated funding to purchase the cameras. The minutes also noted that following the public hearing, the Menahga City Council voted unanimously to approve implementation of MPD's BWC program.

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

As part of the requested audit documentation, Chief Lane provided a clickable link to the BWC policy on the Menahga Police Department page of the City of Menahga website. Rampart verified that this was a working link. In our opinion, Menahga 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 Retention of Recordings section of MPD's BWC policy states in part:

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 90 days for not active or inactive criminal investigations, additionally, no less than one year for all other portable recording data. The Office will follow the retention of data outlined in Minn. Stat. § 13.825, Subd. 3.

If an individual captured in a recording submits a written request, the recording shall be retained for additional time period, up to 180 days. The coordinator should be responsible for notifying the individual prior to destruction of the recording (Minn. Stat. § 13.825 Subd. 3 (2) (c)).

In our opinion, the passage above explicitly satisfies the requirements of Minn. Stat. §13.825 Subd. 3(a) and (d).

The MPD BWC policy identifies the General Records Retention Schedule for Minnesota Cities (GRRSMC) as its records retention schedule. The GRRSMC addresses the requirements of Minn. Stat. §13.825 Subd. 3(a), (b) and (d); however, at the time of our audit the GRRSMC has not been updated since 2021 and therefore does not address the requirements of Minn. Stat. §13.825 Subd. 3(c).

As discussed above, most BWC data retention requirements are addressed in Minn. Stat. §13.825 Subd. 3; consequently, it is our opinion that the incorporation by reference of this subdivision satisfies the requirements detailed above. We note, however, that such an approach forces the user to access additional resources to obtain this information, thereby reducing the readability of the policy. We recommend including the required retention elements in the text of the policy.

Chief Lane 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.

This requirement is not addressed in MPD's BWC policy. Because the requirement is contained in Minn. Stat. §626.8473 Subd. 3(b)(1), it is also not incorporated by reference as part of Stat. §13.825 Subd. 3.

Prior to the completion of this report, MPD submitted a revised BWC that addresses the issues noted in this section. A copy of this revised policy has been attached to this report as Appendix B.

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

The Identification and Preservation of Recordings section of MPD's BWC policy states: "[t]o assist with identifying and preserving data and recordings, members should download, tag or mark the recordings in accordance with procedure and document the existence of the recording in any related case report." This section of the policy provides additional guidance for tagging or marking recordings that may have evidentiary or other value.

Chief Lane advised us that MPD utilizes a wireless upload system that activates automatically when an officer comes within range of the MPD office. In addition, MPD possesses a physical docking station that would be utilized if the wireless system were to malfunction.

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 server maintained by Wadena County IT staff, with data retention and deletion schedules managed automatically through the Evidence Library video management software based on the assigned data classification of each video.

Rampart has previously audited the Wadena County Sheriff's Office's (WCSO) BWC program. While we were advised during our 2024 audit that WCSO had migrated its BWC data to Motorola's cloud service, during our 2022 audit WCSO was utilizing a secure on-site server that was mirrored to a second, secure off-site server to create a backup. Chief Lane confirmed this practice was also being employed at the time of our audit of MPD's BWC program.

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 "[a]ny 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..."

We recommend that MPD evaluate whether their policy should include an exception to the above for BWC data related to active investigations, which may be classified as confidential.

Chief Lane advised us that members of the media or public seeking access to BWC data submit a written data request form, which is available on the MPD webpage. The completed form can be submitted in person or via email. She receives and reviews all requests and, if approved, processes them. The requesting party has the option of viewing the recording at MPD, or receiving a copy on physical media

such as DVD or USB memory stick. Such recordings are subject to redaction as described in Minn. Stat. §13.825 Subd. 4(b).

The Coordinator section of MPD's BWC policy states that the Chief of Police should designate a coordinator responsible for establishing procedures for providing access to non-public BWC data by "MPD members and members of other governmental entities and agencies," but the policy does not otherwise address the sharing of BWC data with the courts, prosecutors or other law enforcement agencies. Chief Lane advised us that Administration and records staff at the Wadena County Sheriff's Office have direct access to MPD's BWC recordings as the servers are maintained by Wadena County IT staff, and as a backup and failsafe if she is or becomes unavailable, while requests from other agencies are accepted via email or phone call. Chief Lane advised that she receives and processes all requests for BWC data from outside law enforcement agencies and other criminal justice partners. In addition, Chief Lane indicated that she normally provides BWC data to prosecutors via DVD.

While Chief Lane is currently the only MPD member with access to share BWC data, we recommend adding language to the policy to clarify that BWC data is shared with other agencies only for legitimate law enforcement purposes that are disclosed in writing at the time of the request. We also recommend that all such requests be made in writing, with copies retained for documentation purposes.

Chief Lane advised us that Menahga Police Department has not formalized agreements with neighboring agencies regarding access to MPD BWC data, but has been involved in discussions about developing procedures to ensure the maintenance of appropriate BWC data security under Minn. Stat. §13.825 Subd. 8(b).

We 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 Access to Recordings section of MPD's BWC Policy states that: "Except as provided in 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, 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 Review of Recorded Media Files section of MPD's BWC policy states that: "Recorded files may... be reviewed... [b]y a supervisor as part of internal audits and reviews as required by Minn. Stat. §626.8473..."

Chief Lane advised us that she conducts reviews periodically, and that they 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.

The Accountability section of MPD's BWC policy addresses the possibility of disciplinary consequences associated with the unauthorized access or release of BWC recordings, but does not otherwise address violations of the policy. We recommend that MPD review its policy to determine whether there are other types of violations for which disciplinary action might be appropriate. In addition, because certain violations of Chapter 13 are punishable as misdemeanors, we recommend that MPD amend its policy to note the possibility of criminal consequences.

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 four (4) Motorola body-worn cameras, which includes one (1) spare.

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 Lane advised us that she 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 961 BWC videos.

MPD BWC Physical, Technological and Procedural Safeguards

MPD BWC data are initially recorded to a hard drive in each officer's BWC. The videos then upload automatically upon returning to the Menahga Police Department facility. In the event the wireless upload fails, there is also a physical docking station on-site.

BWC data are stored on a secure server housed inside the Wadena County Sheriff's Office's facility. That server is then mirrored to a second server at a different secure location to guard against the accidental loss of data.

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 Lane 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. This was not addressed in the MPD policy at the time of our audit. Prior to the completion of this report, MPD submitted a revised BWC policy that adds this requirement.

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.

Rampart Audit, LLC

Audit Conclusions

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



Rampart Audit, LLC

1/09/2025

Appendix A:

Menahga Police Department

Policy Number: 16

Subject: Portable Audio/Video Recorders

PURPOSE AND SCOPE

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

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

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.

POLICY

The Menahga 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 Office by accurately capturing contacts between members of the Office and the public.

MEMBER PRIVACY EXPECTATION

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

MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed and non-uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Office, and that the recorder is in good working order (Minn. Stat. § 13.825). This consists of conducting a "Test" recording and labeling it as such. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable.

Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable (Minn. Stat. § 626.8473).

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

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

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

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 will activate the recorder any time the member believes it would be appropriate or valuable to record an incident, and anytime a "Call For Service" is generated where the member is in contact with the general public (exceptions listed below).

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

The recorder should not be activated in any of the following situations:

- (a) When attending public events, such as; school functions, fairs, picnics ect.
- (b) When entering a medical facility (HIPAA laws), (*Activation allowed only for recording investigative statements.*)
- (c) Civil Commitment Transports
- (d) Whenever a "Call For Service " is generated and the activity reflects the above mentioned situations

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.

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.

SURREPTITIOUS RECORDINGS

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

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

Members shall not surreptitiously record another office member without a court order unless lawfully authorized by the Sheriff or the authorized designee, for the purpose of conducting a criminal or administrative investigation.

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.

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.

REVIEW OF RECORDED MEDIA FILES

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

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

Recorded files may also be reviewed:

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

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

COORDINATOR

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

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) The coordinator should work with the Custodian of Records and the member assigned
- (c) 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).
- (d) 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).
- (d) Establishing procedures for accessing data and recordings.
 - (a) These procedures should include the process to obtain written authorization for access to non-public data by MPD members and members of other governmental entities and agencies.
- (e) Establishing procedures for logging or auditing access.
- (f) Establishing procedures for transferring, downloading, tagging or marking events.
- (g) Establishing an inventory of portable recorders including:
 - 1. Total number of devices owned or maintained by the Menahga 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 Menahga Police Department.
- (h) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
- (i) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Menahga Police Department that expands the type or scope of surveillance capabilities of the office's portable recorders.
- (j) Ensuring that this Portable Audio/Video Recorders Policy is posted on the Office website.

PROHIBITED USE OF AUDIO/VIDEO RECORDERS

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

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

Members are prohibited from using personally owned recording devices while on-duty, Minn. Stat. § 13.825 Subd. 6.

Members are prohibited from activating the portable audio/video recorder to record their supervisors, other members, or other co-workers while in the confines of any Sheriff's Office facilities. Unless for training purposes only.

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

RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 90 days for not active or inactive criminal investigations, additionally, no less than one year for all other portable recording data. The Office will follow the retention of data outlined in Minn. Stat. § 13.825, Subd. 3.

If an individual captured in a recording submits a written request, the recording shall be retained for additional time period, up to 180 days. The coordinator should be responsible for notifying the individual prior to destruction of the recording (Minn. Stat. § 13.825 Subd. 3 (2) (c)).

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.

ACCESS TO RECORDINGS

Rampart Audit, LLC

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.

ACCOUNTABILITY

Any member who accesses or releases recordings without authorization may be subject to discipline. (Minn. Stat. § 626.8473)

APPENDIX B:

Menahga Police Department

Policy 16 – Portable Audio/Video Recorders (AMENDED)

PURPOSE AND SCOPE

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

[ADDED] The primary purpose of portable audio/video recorders, including body-worn cameras (BWCs), is to capture evidence arising from police-citizen encounters while balancing the public's interest in accountability and transparency with individual privacy rights, consistent with the Minnesota Government Data Practices Act (MGDPA).

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

DEFINITIONS

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.

[ADDED] **Law enforcement-related activity** – A stop, arrest, search, seizure, citation, charging decision, use of force, or criminal investigation.

[ADDED] **General citizen contact** – An informal encounter that does not become adversarial or law enforcement-related and would not yield information of evidentiary value.

[ADDED] **Adversarial encounter** – An interaction that becomes confrontational, including verbal hostility, threats, arguing, yelling, or when a citizen demands to be recorded.

[ADDED] **Evidentiary value** – Information that may be useful in a criminal prosecution, civil or administrative proceeding, internal investigation, or allegation of officer misconduct.

POLICY

The Menahga 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 Office by accurately capturing contacts between members of the Office and the public.

[ADDED] *An officer who utilizes a BWC, shall 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.*

MEMBER RESPONSIBILITIES

Prior to going into service, each member shall conduct a function test of the issued recording device and promptly report malfunctions to a supervisor.

[ADDED] Members shall wear issued body-worn cameras at or above the midline of the waist in a position that maximizes the ability to capture audio and video of official activities.

Members should document the existence of a recording in any report or official record and document failures to record or early deactivation, including the reasons.

[ADDED] Supervisors shall review documented failures to record and initiate corrective action as necessary.

ACTIVATION OF RECORDERS

Members will activate the recorder any time the member believes it would be appropriate or valuable to record an incident, and anytime a call for service is generated involving public contact, subject to listed exceptions.

[ADDED] Members **shall activate** recording devices when involved in or when reasonably anticipating involvement in: - Traffic or Terry stops - Searches or seizures - Arrests or custodial situations - Use of force - Adversarial encounters - Pursuits

[ADDED] Members are **not required to notify individuals** that recording is occurring, though notification may be provided when reasonable and practicable.

[ADDED] Recording shall continue until the incident concludes or it becomes apparent that further recording will not capture information of evidentiary value. If recording is stopped prior to incident conclusion, the member shall state the reason on camera.

PROHIBITED RECORDING

Members shall not record: In locker rooms, restrooms, or during non-enforcement private conversations - Other members during non-enforcement activities unless part of an authorized investigation.

DATA CLASSIFICATION AND ACCESS

[ADDED] Portable recorder data is **presumed private** under the Minnesota Government Data Practices Act unless otherwise classified by law.

[ADDED] Data collected as part of an **active criminal investigation is confidential**.

[ADDED] Data documenting: - The discharge of a firearm (other than training or animal dispatch) - Use of force resulting in substantial bodily harm - Final disposition of disciplinary action is classified as **public**, unless otherwise restricted by law.

[ADDED] 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;

ACCESS BY MEMBERS

Members may access recordings only for legitimate law enforcement or administrative purposes.

[ADDED] Members involved in an incident may review their recordings prior to preparing reports or statements.

Members are prohibited from accessing recordings for personal use or sharing recordings on social media or public platforms.

SUPERVISORY REVIEW AND TRAINING

[ADDED] Supervisors shall conduct **monthly random audits** of recorder usage to ensure compliance with this policy. A minimum of **three recordings per member per month** shall be reviewed and documented.

[ADDED] Recordings may be retained and used for training purposes with supervisory approval. Member objections to training use will be considered on a case-by-case basis.

DATA SECURITY AND AUDITS

Members shall not use personally owned devices to access, store, or view Office recordings.

[ADDED] The data security safeguards will be handled by the Wadena County IT department personnel. Access to Portable Recording Devices data from city or personally owned and approved devices shall be managed in accordance with established city policy. Officers are prohibited from altering, erasing or destroying any recording made with a peace officer's portable recording system or data and metadata related to the recording prior the expiration of the applicable retention period under section 13.825 Subdivision 3, except that the full, unedited and unredacted recording of a peace officer using deadly force must be maintained indefinitely. As required by Minn. Stat. § 13.825, subd. 9, as may be amended from time to time, this agency shall obtain an independent biennial audit of its Portable Recording Devices program.

[ADDED] The Menahga Police Department shall obtain an **independent biennial audit** of its portable recording program as required by Minn. Stat. § 13.825, Subd. 9.

RETENTION OF RECORDINGS

All recordings shall be retained in accordance with Minn. Stat. § 13.825 and the applicable records retention schedule.

[ADDED] Minimum retention periods include: - **90 days** for all recordings - **1 year** for recordings involving complaints or firearm discharges - **7 years** for recordings involving use of force resulting in substantial bodily harm - **Indefinite retention** for recordings documenting deadly force

[ADDED] Upon written request by a data subject, recordings shall be retained for up to an additional **180 days**.

COMPLIANCE

Failure to comply with this policy may result in disciplinary action and potential criminal penalties under Minn. Stat. § 13.09 and § 626.8473. **Any member who accesses or releases recordings without authorization or violates of this policy or statute are grounds for administrative policy violation action and possible criminal consequences.**

End of Amended Policy