



INDEPENDENT AUDITOR'S REPORT

Little Falls Police Department



FEBRUARY 24TH, 2026
RAMPART AUDIT LLC

Audit Overview and Recommendations

Dear Little Falls City Council and Chief Johnson:

We have audited the body-worn camera (BWC) program of the Little Falls Police Department (LFPD) for the two-year period ended 12/31/2025. Minnesota Statute §13.825 mandates that any law enforcement agency operating a portable recording system (PRS)¹ program obtain an independent, biennial audit of its program. This program and its associated data are the responsibility of the Little Falls Police Department. Our responsibility is to express an opinion on the operations of this program based on our audit.

On January 22, 2026, Rampart Audit LLC (Rampart) met with Assistant Chief John Ruby, who provided information about LFPD'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 LFPD's recordkeeping.

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

LFPD BWC Program Implementation and Authorization

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

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

Rampart previously audited Little Falls Police Department's BWC program in 2024. As part of that audit, LFPD personnel provided the following timeline with documentation to show that LFPD had met these requirements prior to the implementation of their BWC program:

1. 11/15/2021: then-Chief Schirmers advised the Little Falls City Council that LFPD's squad cameras were nearing end-of-life and that LFPD, Morrison County Sheriff's Office and other law enforcement agencies located in Morrison County had begun discussing the implementation of body-worn cameras. Collectively, the agencies had identified Axon as their preferred BWC provider, for reasons Chief Schirmers detailed during the city council 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 LFPD, these terms may be used interchangeably in this report.

2. 12/06/2021: Chief Schirmers presented to the Little Falls City Council the results of a community survey conducted online regarding the proposed BWC program, and noted that the results were “largely in favor of adding” body-worn cameras for the agency. As part of the meeting, a public hearing was scheduled for 7:30 p.m. to receive public comment about the proposal.
3. 12/20/2024: The Little Falls City Council approved Chief Schirmer’s request to contract with Axon for “body worn cameras, mobile video services and taser integration.”

Copies of these documents have been retained in Rampart’s audit files. In our opinion, Little Falls 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 that there was a working link to LFPD’s BWC policy on the City of Little Falls’s website. In our opinion, Little Falls Police Department is compliant with the requirements of §626.8473 Subd. 3(a).

LFPD BWC WRITTEN POLICY

As part of this audit, we reviewed LFPD’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) 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 LFPD 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.

LFPD 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 Records section of LFPD's BWC policy states that "[a]ll recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days," which satisfies the requirements of §13.825 Subd. 3(a).

During the audit, Assistant Chief Ruby noted that, contrary the 180-day minimum retention period specified in the policy for all BWC data, certain types of recordings are only retained for 90 days. He advised us that LFPD would revise its policy to reflect this fact. As none of the affected categories include BWC data subject to a longer minimum retention period, this proposed revision does not affect compliance.

The Retention of Records section of the BWC policy also specifies a minimum retention period of one year for those categories of BWC data identified in §13.825 Subd. 3(b), while also stating that "[p]ortable recording system data that document a peace officer's use of deadly force must be unredacted and maintained indefinitely," as required by §13.825 Subd. 3(c).

This section of the policy addresses the requirements identified in §13.825 Subd. 3(d), though the policy states that "the recording shall be retained for up to 180 days." Assistant Chief Ruby advised us during the audit that this would be amended to clarify that recordings would be retained for *an additional period of up to 180 days*, to match the language in statute.

Prior to the submission of this report, LFPD submitted a revised BWC policy that includes the modifications discussed above. A copy of the updated policy is attached to this report as Appendix B.

The Retention of Recordings section of LFPD's BWC policy also states: "[m]embers shall not alter, erase, or destroy any BWC Data or Meta Data before the end of the applicable records retention period," which satisfies the requirements discussed in Clause 2 of the Policy section of this report.

LFPD employs Axon Body 4 (AB4) body-worn cameras and utilizes Axon's Cloud Service storage (Evidence.com) and manages BWC data retention through automated retention settings in Axon's 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.

LFPD employs an integration feature wherein the CAD/RMS (computer-aided dispatch/records management system) attempts to add a case number and call category to videos recorded by an officer, based on a comparison between the date and time of the BWC recording and the date, time and officer assignments of the dispatch call log. The policy notes that "[o]fficers are responsible for verifying that the CAD/RMS integration has updated the recordings with the correct case numbers and categories," and directs officers to "ensure that every recording they made has a case number and proper category." The policy further directs that these reviews be conducted at least once per work week.

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

LFPD BWC Data Destruction

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

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

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

LFPD BWC Data Access

The Public Review of Recorded Media Files section of LFPD's BWC policy states: "The Little Falls Police Department will establish and maintain a method for the public to view recorded events to the extent that such data is classified as public under MGDPA [the Minnesota Governmental Data Practices Act]."

The Access to Recordings section of LFPD's BWC policy states that:

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 in the recording, the identity of those individuals must be blurred or obscured sufficiently to render the subject unidentifiable prior to release."

Requests for access to BWC data are submitted to the LFPD Records Tech or Admin Supervisor in writing, using the agency's data request form. Upon approval, these same individuals fulfill the request. Data subjects receive BWC data via an emailed Evidence.com link.

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. These are addressed in the Access to Recordings section of LFPD's BWC policy.

The Release of Audio/Video Recordings section of LFPD's BWC policy states that: "BWC data may be shared with other law enforcement agencies only for legitimate purposes that are documented in writing at the time of the disclosure." This section of the policy also states: "BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law."

Assistant Chief Ruby advised us that requests for BWC data from other law enforcement agencies are made in writing using LFPD's data request form, which is available on the city website. These requests are subject to the same review and authorization process described above and are fulfilled via secure Evidence.com links. Existing verbal agreements with neighboring agencies govern those agencies' data security responsibilities described in §13.825 Subd. 8 when receiving BWC data.

Because local prosecutors share the Little Falls Police Department RMS, they are able to submit BWC data requests as “tasks” through the RMS, which creates an audit trail. As with other data requests, these tasks are completed by the Records Tech or Admin Supervisor.

We recommend that the receiving agency be given a written or verbal reminder of their obligations under §13.825 Subd. 8, which include a requirement to maintain BWC data security.

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

LFPD BWC Data Classification

The Access to Recordings section of LFPD’s BWC policy states that “[e]xcept as provided by Minn. Stat. §13.825, Subd. 2 audio/video recordings are considered private or nonpublic data,” while also providing guidance about the rights of data subjects to access recordings.

In our opinion, LFPD’s BWC policy is compliant with the BWC data classification requirements specified in Minn. Stat. §13.825.

LFPD BWC Internal Compliance Verification

The Accountability section of LFPD’s BWC policy states that “[s]upervisors shall monitor for compliance with this policy. Supervisors will check for compliance on a monthly basis.”

Assistant Chief Ruby advised us that this monitoring consists of reviewing BWC recordings. Such reviews are conducted by a sergeant. All supervisory reviews are logged by the Evidence.com software, allowing LFPD administrators to monitor and verify that such reviews are completed as required.

We recommend that LFPD add language to their policy to clarify that “monitoring” consists of conducting internal audits or reviews, as described in Minn. Stat. §626.8473 Subd. 3(b)(12).

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. This requirement is addressed in the Member Responsibilities subsection of LFPD’s BWC policy.

The Accountability section of the policy states that: “[a]ny member who accesses or releases recordings without authorization may be subject to discipline.” Because certain violations of §13.825 can be prosecuted as misdemeanors, we recommend that LFPD add language noting the possibility of criminal consequences for violations of the BWC policy.

Prior to the completion of this report, LFPD submitted a revised BWC policy that addresses the concerns noted in this section.

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

LFPD BWC Program and Inventory

LFPD currently possesses 17 Axon Body 4 body-worn cameras, which includes one spare.

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

Assistant Chief Ruby advised us that he is able to determine the number of BWCs deployed by reviewing the schedule and/or payroll data, or by reviewing Evidence.com.

LFPD retained 15,017 BWC videos as of January 22, 2026.

LFPD BWC Physical, Technological and Procedural Safeguards

LFPD BWC data are initially recorded to a hard drive in each officer's BWC. Recordings are downloaded from the BWCs using a physical docking station at the LFPD office. Assistant Chief Ruby advised us that LFPD BWCs also possess wireless upload capabilities, though this functionality is not currently used. As described earlier in this report, the Axon system employs integrated CAD/RMS functionality to automatically label BWC recordings and set retention, while officers are required to review their BWC recordings on a weekly basis to ensure that all such labeling and retention are correct.

Officers have view-only access to their own data for report writing, trial preparation, data administration, investigatory purposes and other legitimate law enforcement purposes. All BWC data access is logged automatically and available for audit purposes, and users are required to provide a reason any time BWC data is accessed.

Only administrators have the ability to edit or delete BWC data, and any such activity prior to the expiration of the retention period is prohibited by policy.

As noted in Clause 3 of the Policy section of this report, the 2023 legislative updates require that a BWC policy specify that the device be worn at or above the mid-line of the waist. The Member Responsibilities subsection of the LFPD BWC policy states: "Uniformed members should wear the recorder in a conspicuous manner at or above the mid-line of the waist and notify persons that they are being recorded, whenever reasonably practicable." The following paragraph states:

Any member assigned to a non-uniformed position may carry an approved portable recorder... Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded...

We note that in establishing the requirement that a BWC be worn at or above the mid-line of the waist, Minn. Stat. §626.8473 Subd. 3(b)(2) does not differentiate between uniformed and non-uniformed personnel; consequently, we recommend that LFPD modify the language quoted above to require that non-uniformed personnel who wear a BWC do so at or above the mid-line of the waist.

Prior to the completion of this report, LFPD personnel submitted a revised BWC policy that addresses this concern.

Enhanced Surveillance Technology

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

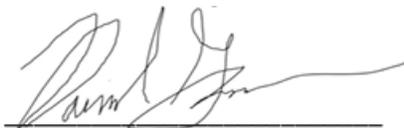
Data Sampling

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

Of the reviewed videos, all but one were properly identified by call number. The call number assigned to the mislabeled video had one incorrect digit, which appears to have been the result of a data entry error.

Audit Conclusions

In our opinion, the Little Falls Police Department's Body-Worn Camera Program is compliant with Minnesota Statutes §13.825 and §626.8473 as of the date of this report.



Rampart Audit LLC

2/24/2026

APPENDIX A:

Policy

423

Little Falls Police
Department
Policy Manual

Portable Audio/Video Recorders

423.1 PURPOSE AND SCOPE

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

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

423.1.1 DEFINITIONS

Definitions related to this policy include:

Portable recording system - A device worn by a member that is capable of both video and audio recording of the member's activities and interactions with others or collecting digital multimedia evidence as part of an investigation and as provided in Minn. Stat. § 13.825.

BWC- Body Worn Camera. This refers only to the individually issued cameras carried on the officer's uniform.

423.2 POLICY

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

423.3 COORDINATOR

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

- (a) Establishing procedures for the security, storage, and maintenance of data and recordings.
 1. The coordinator should work with the Custodian of Records and the member assigned to coordinate the use, access, and release of protected information to

ensure that procedures comply with requirements of the Minnesota Government Data Practices Act (MGDPA) and other applicable laws (Minn. Stat. § 13.01 et seq.) (see the Protected Information and the Records Maintenance and Release policies).

2. The coordinator should work with the Custodian of Records to identify recordings that must be retained for a specific time frame under Minnesota law (e.g., firearm discharges, certain use of force incidents, formal complaints).
- (b) Establishing procedures for accessing data and recordings.
1. These procedures should include the process to obtain written authorization for access to non-public data by LFPD members and members of other governmental entities and agencies.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging, or marking events.
- (e) Establishing an inventory of portable recorders including:
1. Total number of devices owned or maintained by the Little Falls 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 Little Falls Police Department.
- (f) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
- (g) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Little Falls Police Department that expands the type or scope of surveillance capabilities of the department's portable recorders.
- (h) Ensuring that this Portable Audio/Video Recorders Policy is posted on the department website.

423.4 MEMBER PRIVACY EXPECTATION

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

423.5 MEMBER RESPONSIBILITIES

Prior to going into service, uniformed members will be responsible for making sure that they are equipped with a portable recorder issued by the department, and that the recorder is in good working order (Minn. Stat. § 13.825). If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed

members should wear the recorder in a conspicuous manner at or above the mid-line of the waist and notify persons that they are being recorded, whenever reasonably practicable (Minn. Stat. § 626.8473).

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

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

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

Members are required to follow the Little Falls Portable Audio Video Recorder Policy when acting under the command and control of another CLEO or federal Law Enforcement officer.

423.6 ACTIVATION OF THE AUDIO/VIDEO RECORDER

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

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

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify dispatch
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

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

circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize their 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.

Officers have discretion to record or not record general citizen contacts.

Officers have no affirmative duty to inform people that a portable recorder is being operated or that the individuals are being recorded.

423.6.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that their 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.

423.6.2 SURREPTITIOUS RECORDINGS

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

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

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

423.6.3 EXPLOSIVE DEVICE

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

423.7 PROHIBITED USE OF AUDIO/VIDEO RECORDERS

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

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

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

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

423.8 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

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

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

Portable recording system data must be maintained for at least one year and destroyed according to the agency's records retention schedule approved pursuant to section 138.17 if:

(1) the data document (i) the discharge of a firearm by a peace officer in the course of duty if a notice is required under section 626.553, subdivision 2, or (ii) the use of force by a peace officer that results in substantial bodily harm; or

(2) a formal complaint is made against a peace officer related to the incident.

(c) Portable recording system data that document a peace officer's use of deadly force must be maintained indefinitely.

423.8.1 RELEASE OF AUDIO/VIDEO RECORDINGS

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

BWC data may be shared with other law enforcement agencies only for legitimate purposes that are documented in writing at the time of the disclosure.

BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

423.8.2 ACCESS TO RECORDINGS

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

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

Notwithstanding section 13.82, subdivision 7, 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 following individuals, upon their request, to inspect all portable recording system data, redacted no more

than what is required by law, documenting the incident within five days of the request, subject to paragraphs (c) and (d):

- (1) the deceased individual's next of kin;
- (2) the legal representative of the deceased individual's next of kin; and
- (3) the other parent of the deceased individual's child.

A law enforcement agency may deny a request to inspect portable recording system data under paragraph (b) if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency denies access under this paragraph, the chief law enforcement officer must provide a prompt, written denial to the individual in paragraph (b) 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](#).

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 what is 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](#).

423.9 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.

423.10 CAD & RMS INTEGRATION

The CAD/ RMS integration is a feature of the system that will attempt to add a case number and category to videos recorded by the officer. The CAD/RMS integration data that contains the time a call was dispatched to an officer and the time the officer cleared the call, will be compared to that officer's video in evidence.com. Where there is a match, the integration will add the case number and category to the video. Officers should be aware of instances where they are not assigned to a call at the time a recording is started, as these must be manually updated.

The CAD/RMS integration process only occurs after video has been uploaded to evidence.com. Officers are responsible for verifying that the CAD/RMS integration has updated the recordings with the correct case numbers and categories. Officers shall review their own recordings (using the evidence.com "My Evidence" page) to ensure that every recording they made has a case number and proper category. This shall be done no less than one time per work week.

Officers are responsible for ensuring that the data captured on their BWC is categorized and the correct case number attached to that data. Utilizing audit and search features of evidence.com, supervisors are responsible for ensuring data uploaded by subordinates has been categorized properly.

Officers shall manually update any call type of previous case numbers with the appropriate related case number and category. Often officers are assigned to a previous case number call type in CAD while recovering a stolen car, following up on another call, or arresting someone on a warrant. The evidence relates to the original case and needs to be manually updated in order to be visible to investigators and prosecutors. The CAD/RMS integration is unable to properly update these call types and therefore it is up to the individual officer to make sure it is updated properly.

423.11 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.

Agency personnel shall document their reasons for accessing stored BWC data in the notes section of Evidence.com at the time of each access. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law enforcement related purposes, including but not limited to uploading BWC data recorded or maintained by this agency to public and social media websites.

Employees seeking access to BWC data for non-business reasons may make a request for it in the same manner as any member of the public.

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

Recorded files may also be reviewed:

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

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

423.11.1 PUBLIC REVIEW OF RECORDED MEDIA FILES

The Little Falls Police Department will establish and maintain a method for the public to view recorded events to the extent that such data is classified as public under MGDPA.

423.12 DATA SECURITY SAFEGUARDS

- A. All safeguards in place by evidence.com will meet or exceed required security parameters including back-up and storage of video files.
- B. Access to BWC data from city or personally owned and approved devices shall be managed in accordance with established city policy.
- C. Officers shall not intentionally edit, alter, or erase any portable recordings prior to the expiration of the scheduled retention period.
- D. 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 BWC program.

423.13 ACCOUNTABILITY

Supervisors shall monitor for compliance with this policy. Supervisors will check for compliance on a monthly basis. Any member who accesses or releases recordings without authorization may be subject to discipline (see the Standards of Conduct and the Protected Information policies) (Minn. Stat. § 626.8473).

423.14 PROCEDURE

[Little Falls Police Department Procedures Manual: 423.1 PURPOSE AND SCOPE](#)

APPENDIX B:

Policy
423

Little Falls Police Department
Policy Manual
Law Enforcement

Portable Audio/Video Recorders

STATE MODIFIED

423.1 PURPOSE AND SCOPE

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

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

STATE MODIFIED

423.1.1 DEFINITIONS

Definitions related to this policy include:

Portable recording system - A device worn by a member that is capable of both video and audio recording of the member's activities and interactions with others or collecting digital multimedia evidence as part of an investigation and as provided in Minn. Stat. § 13.825.

BWC- Body Worn Camera. This refers only to the individually issued cameras carried on the officer's uniform.

BEST PRACTICE

423.2 POLICY

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

department and the public.

STATE

423.3 COORDINATOR

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

1. Establishing procedures for the security, storage, and maintenance of data and recordings.
 1. The coordinator should work with the Custodian of Records and the member assigned to coordinate the use, access, and release of protected information to ensure that procedures

comply with requirements of the Minnesota Government Data Practices Act (MGDPA) and other applicable laws (Minn. Stat. § 13.01 et seq.) (see the Protected Information and the Records Maintenance and Release policies).
 2. The coordinator should work with the Custodian of Records to identify recordings that must be retained for a specific time frame under Minnesota law (e.g., firearm discharges, certain use of force incidents, formal complaints).
2. Establishing procedures for accessing data and recordings.
 1. These procedures should include the process to obtain written authorization for access to non-public data by LFPD members and members of other governmental entities and agencies.
3. Establishing procedures for logging or auditing access.
4. Establishing procedures for transferring, downloading, tagging, or marking events.
5. Establishing an inventory of portable recorders including:
 1. Total number of devices owned or maintained by the Little Falls 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 Little Falls Police Department.
6. Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
7. Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Little Falls Police Department that expands the type or scope of surveillance capabilities of the department's portable recorders.
8. Ensuring that this Portable Audio/Video Recorders Policy is posted on the department website.

BEST PRACTICE

MODIFIED

423.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time or while

acting in an official capacity of this department, regardless of ownership of the device, shall remain the property of the department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

STATE MODIFIED

423.5 MEMBER RESPONSIBILITIES

Prior to going into service, uniformed members will be responsible for making sure that they are equipped with a portable recorder issued by the department, and that the recorder is in good working order (Minn. Stat. § 13.825). If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable.

Members should wear their assigned BWC on their outermost garment positioned at or above the mid-line of the waist (Minn. Stat. § 626.8473). Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

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

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

Members are required to upload the portable recorder at the end of their shift. When members are unable to upload their Portable Recorder at the end of their shift, whether due to technical difficulty or emergency circumstances, they should notify a supervisor if possible or otherwise document the reason.

Members are required to follow the Little Falls Portable Audio Video Recorder Policy when acting under the command and control of another CLEO or federal Law Enforcement officer.

BEST PRACTICE MODIFIED

423.6 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should

activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

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

- a. All enforcement and investigative contacts including stops and field interview (FI) situations
- b. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- c. Self-initiated activity in which a member would normally notify dispatch
- d. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

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

At no time is a member expected to jeopardize their 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.

Officers have discretion to record or not record general citizen contacts.

Officers have no affirmative duty to inform people that a portable recorder is being operated or that the individuals are being recorded.

BEST PRACTICE MODIFIED

423.6.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that their 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.

STATE MODIFIED

423.6.2 SURREPTITIOUS RECORDINGS

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

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

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

BEST PRACTICE

423.6.3 EXPLOSIVE DEVICE

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

BEST PRACTICE

MODIFIED

423.7 PROHIBITED USE OF AUDIO/VIDEO RECORDERS

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

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

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

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

STATE

MODIFIED

423.8 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.

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

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

Portable recording system data must be maintained for at least one year and destroyed according to the agency's records retention schedule approved pursuant to section 138.17 if:

(1) the data document (i) the discharge of a firearm by a peace officer in the course of duty if a notice is required under section 626.553, subdivision 2, or (ii) the use of force by a peace officer that results in substantial bodily harm; or

(2) a formal complaint is made against a peace officer related to the incident.

(c) Portable recording system data that document a peace officer's use of deadly force must be unredacted and maintained indefinitely.

BEST PRACTICE MODIFIED

423.8.1 RELEASE OF AUDIO/VIDEO RECORDINGS

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

BWC data may be shared with other law enforcement agencies only for legitimate purposes that are documented in writing at the time of the disclosure.

BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

STATE MODIFIED

423.8.2 ACCESS TO RECORDINGS

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

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

Notwithstanding section [13.82, subdivision 7](#), 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 following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request, subject to paragraphs (c) and (d):

- (1) the deceased individual's next of kin;
- (2) the legal representative of the deceased individual's next of kin; and
- (3) the other parent of the deceased individual's child.

A law enforcement agency may deny a request to inspect portable recording system data under paragraph (b) if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency denies access under this paragraph, the chief law enforcement officer must provide a prompt, written denial to the individual in paragraph (b) 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](#).

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 what is 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](#).

STATE MODIFIED

423.9 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.

AGENCY CONTENT

423.10 CAD & RMS INTEGRATION

The CAD/ RMS integration is a feature of the system that will attempt to add a case number and category to videos recorded by the officer. The CAD/RMS integration data that contains the time a call was dispatched to an officer and the time the officer cleared the call, will be compared to that officer's video in evidence.com. Where there is a match, the integration will add the case number and category to the video. Officers should be aware of instances where they are not assigned to a call at the time a recording is started, as these must be manually updated.

The CAD/RMS integration process only occurs after video has been uploaded to evidence.com. Officers are responsible for verifying that the CAD/RMS integration has updated the recordings with the correct case numbers and categories. Officers shall review their own recordings (using the evidence.com "My Evidence" page) to ensure that every recording they made has a case number and proper category. This shall be done no less than one time per work week.

Officers are responsible for ensuring that the data captured on their BWC is categorized and the correct case number attached to that data. Utilizing audit and search features of evidence.com, supervisors are responsible for ensuring data uploaded by subordinates has been categorized properly.

Officers shall manually update any call type of previous case numbers with the appropriate related case number and category. Often officers are assigned to a previous case number call type in CAD while recovering a stolen car, following up on another call, or arresting someone on a warrant. The evidence relates to the original case and needs to be manually updated in order to be visible to investigators and prosecutors. The CAD/RMS integration is unable to properly update these call types and therefore it is up to the individual officer to make sure it is updated properly.

BEST PRACTICE

MODIFIED

423.11 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.

Agency personnel shall document their reasons for accessing stored BWC data in the notes section of Evidence.com at the time of each access. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law enforcement related purposes, including but not limited to uploading BWC data recorded or maintained by this agency to public and social media websites.

Employees seeking access to BWC data for non-business reasons may make a request for it in the same manner as any member of the public.

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

Recorded files may also be reviewed:

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

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

AGENCY CONTENT

423.11.1 PUBLIC REVIEW OF RECORDED MEDIA FILES

The Little Falls Police Department will establish and maintain a method for the public to view recorded events to the extent that such data is classified as public under MGDPA.

AGENCY CONTENT

423.12 DATA SECURITY SAFEGUARDS

- A. All safeguards in place by evidence.com will meet or exceed required security parameters including back-up and storage of video files.
- B. Access to BWC data from city or personally owned and approved devices shall be managed in accordance with established city policy.
- C. Officers shall not intentionally edit, alter, or erase any portable recordings prior to the expiration of the scheduled retention period.
- D. 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 BWC program.

STATE MODIFIED

423.13 ACCOUNTABILITY

Supervisors shall monitor for compliance with this policy. Supervisors will check for compliance on a monthly basis. They will ensure proper use of the BWC, Data Access, labeling and classification of all BWC data as well as other requirements included in this policy through internal audits and random reviews of recorded media. Any member who accesses or releases recordings without authorization may be subject to discipline and/or criminal consequences (see the Standards of Conduct and the Protected Information policies) (Minn. Stat. § 626.8473) and (MN Statute 13.09).

AGENCY CONTENT

423.14 PROCEDURE

[Little Falls Police Department Procedures Manual: 423.1 PURPOSE AND SCOPE](#)