INDEPENDENT AUDITOR'S REPORT

Grand Rapids Police Department

NOVEMBER 2ND, 2026

RAMPART AUDIT LLC

Audit Overview and Recommendations

Dear Grand Rapids City Council and Chief Morgan:

We have audited the body-worn camera (BWC) program of the Grand Rapids Police Department (GRPD) for the two-year period ended 3/31/2026. 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 Grand Rapids Police Department. Our responsibility is to express an opinion on the operations of this program based on our audit.

On August 20, 2026, Rampart Audit, LLC (Rampart) met with Captain Jeremy Nelson, who provided information about GRPD'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 GRPD's recordkeeping.

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

GRPD 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 GRPD's BWC program in 2024. As part of that audit, GRPD personnel provided documentation showing these requirements had been met prior to the implementation of GRPD's BWC program. Specifically, Captain Kevin Ott provided the following:

- Copies of the agendas of the Grand Rapids City Meetings dated April 11, April 25 and May 9, 2022, each of which listed an agenda item described as "Public Comment: Allow for public comment regarding GRPD Portable Audio/Video Recorder (Body Worn Camera BWC)."

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

- The April 11 meeting agenda, which also listed "Consider adopting Grand Rapids Police Policy 445 Portable Audio/Video Recorder" as a consent agenda item.
- The meeting minutes for the October 11, 2021, Grand Rapids City Council meeting, documenting the council's review of the proposed purchase of body-worn cameras, and for the April 11, 2022, Grand Rapids City Council meeting, documenting that a public hearing was held for the purpose of receiving comments from the public about the proposed BWC program.

Copies of these documents have been retained in Rampart's audit files. In our opinion, Grand Rapids Police Department met the public notice and comment requirements prior to the implementation of their BWC program on or about May 9, 2022.

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 GRPD's BWC policy on the Police Department page of the City of Grand Rapids' website. In our opinion, Grand Rapids Police Department is compliant with the requirements of §626.8473 Subd. 3(a).

GRPD BWC WRITTEN POLICY

As part of this audit, we reviewed GRPD'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 GRPD 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 were added as a result of a 2023 legislative update and will also be discussed separately below.

GRPD 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 Data Retention section of GRPD's BWC policy states that: "[a]ll Portable Audio/Video Recorder data shall be retained for a minimum period of 90 days. There are no exceptions for non-evidentiary data," which satisfies the requirements of §13.825 Subd. 3(a).

The Data Retention section of GRPD's BWC policy establishes a minimum retention period of one year for reportable firearms discharges. It establishes a minimum retention period of six years for data that document "the use of deadly force by an officer, or force of a sufficient type or degree to require a use of force report or supervisory review." It also establishes a minimum retention period of six years for "[d]ata documenting circumstances that have given rise to formal complaint against an officer." These periods meet or exceed the requirements for categories of BWC data described in §13.825 Subd. 3(b)

This section of the policy also states that "[a]ll Deadly Force incidents must be held for an indefinite period of time," as required by §13.825 Subd. 3(c).

Finally, this section of the policy states:

> Upon written request by a Portable Audio/Video Recorder data subject, the office shall retain a recording pertaining to that subject for an additional time period requested by the subject of up to 365 days. The agency will notify the requestor at the time of the request that the data will then be destroyed unless a new request is received.

This satisfies the requirement contained in Minn. Stat. §13.825 Subd. 3(d).

GRPD's BWC policy does not address the prohibition on altering, erasing or destroying BWC data prior to its scheduled expiration date, as described in Clause 2 of the Policy section of this report. Such a prohibition is a mandatory element of BWC policies. Prior to the issuance of this report, GRPD submitted a revised BWC policy that adds this language. A copy of the revised policy is attached to this report as Appendix B.

GRPD employs Axon Body 4 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. If an officer fails to assign a data classification, the default retention period is two years to avoid the accidental loss of data.

GRPD's BWC policy states that "[e]ach officer using a Portable Audio/Video Recorder is responsible for transferring or assuring the proper transfer of the data from his or her camera to the cloud by the end of that officer's shift," unless the officer is involved in an incident resulting in death or great bodily harm, in which case a supervisor is directed to take custody of the BWC and assume responsibility for transferring its data. The policy further states that "[o]fficers shall tag the Portable Audio/Video Recorder data files after the video transfer to storage as soon as practicable…"

Captain Nelson advised that the Axon body-worn cameras utilize physical docking stations located at the Grand Rapids Police Department. In addition, data from BWCs docked in squad cars will upload wirelessly once the squad is within range of the Grand Rapids Police Department building.

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

GRPD BWC Data Destruction

As discussed above, GRPD 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, GRPD's written BWC policy is compliant with respect to the applicable data destruction requirements.

GRPD BWC Data Access

Captain Nelson advised us that that all requests for BWC data from the public or media are made in writing using Grand Rapids Police Department's BWC data request form, which is submitted to the Records Division. Any request pertaining to an active case or for which release might otherwise be in question is forwarded to Captain Nelson for review. GRPD's BWC policy states that requests for BWC data shall be processed "in accordance with the MGDPA [Minnesota Government Data Practices Act] and other governing laws." BWC video is shared with members of the public and the media via Evidence.com internet link or portable USB memory device. Requests from other law enforcement agencies are submitted via email to Captain Nelson. BWC video is shared with other law enforcement agencies via Evidence.com case sharing.

GRPD's BWC policy also states that:

> Portable Audio/Video Recorder data may be shared with other law enforcement agencies with the verbal understanding that the agency will abide by all Chapter 13 security obligations. Other law enforcement agencies may only receive data for legitimate law enforcement purposes that are documented in writing at the time of the disclosure.

GRPD maintains a copy of each such request it receives. The policy also states that BWC data "shall be made available to prosecutors, courts, and other criminal justice entities as provided by law." Prosecutors and probation personnel follow a similar procedure as other law enforcement personnel to request BWC data, though such requests are normally directed to Records staff. In addition, BWC video

is normally shared with the Itasca County Attorney's Office as part of the case submission process rather than requiring a separate request. Captain Nelson confirmed that GRPD maintains verbal acknowledgments of any receiving agency's obligations under §13.825 Subd. 7, which include a requirement to maintain BWC data security. Rampart recommends obtaining written acknowledgements.

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 requirements are addressed in the Administering Access to Portable Audio/Video Recording Data section of GRPD's BWC policy.

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

GRPD BWC Data Classification

GRPD's BWC Policy states that "Portable Audio/Video Recorder data is [sic] presumptively private," and further states that "Portable Audio/Video Recorder recordings are classified as private data about the data subjects unless there is a specific law that provides differently." Active criminal investigation data are classified as confidential. GRPD BWC Policy also identifies certain categories of BWC data that are public.

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

GRPD BWC Internal Compliance Verification

The Compliance section of GRPD's BWC policy states that "[s]upervisors shall monitor for compliance with this policy," while the Office Use of Data section states that "[s]upervisors will randomly review Portable Audio/Video Recorder usage by each officer to ensure compliance with this policy." All such reviews are logged in the Axon Evidence software. In addition, all access to BWC data is logged and supervisory personnel are able to monitor such access.

The Policy section of GRPD's BWC policy states that "[i]t is the policy of the Grand Rapids Police Department to authorize and require the use of office issued Portable Audio/Video Recorder's [sic] as set forth below, and to administer Portable Audio/Video Recorder data as provided by law." The Use and Documentation section states that "[o]fficers may only use office-issued Portable Audio/Video Recorder's [sic] in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of the Grand Rapids Police Department."

As discussed in Clause 4 of the Policy section of this report, the 2023 legislative changes require that an agency's BWC policy must require 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 General Guidelines for Recording section of GRPD's BWC policy.

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

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

GRPD BWC Program and Inventory

GRPD currently possesses 22 Axon Body 4 body-worn cameras, of which 20 are assigned to officers and two (2) are retained as spares.

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

The Use and Documentation section of GRPD's BWC policy states that "[o]fficers should wear their issued Portable Audio/Video Recorders at the location on their body and in the manner specified in training. The Portable Audio/Video Recorders must be worn at or above the mid-line of the waist." This satisfies the requirement discussed in Clause 3 of the Policy section of this report.

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

As of the audit date, GRPD maintained 8,960.9 GB of BWC data.

GRPD BWC Physical, Technological and Procedural Safeguards

GRPD BWC data are initially recorded to a hard drive in each officer's BWC. Data from each BWC is then uploaded to Axon's Evidence.com Cloud Service, either via physical docking station located at the Police Department or through a wireless upload after docking the BWC in the officer's squad. In the event an officer fails to label the video, the default retention period is two years to avoid the accidental loss of data.

Officers have view-only access to their BWC data for report writing, trial preparation, data administration, investigatory purposes and other legitimate law enforcement purposes, as well as the ability to add or edit case numbers and titles. All BWC data access is logged automatically and available for audit purposes.

Enhanced Surveillance Technology

GRPD currently employs BWCs with only standard audio/video recording capabilities. GRPD has 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.

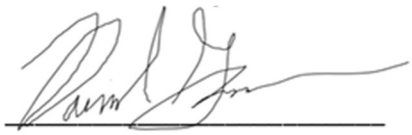
If GRPD should obtain such enhanced technology in the future, Minnesota Statute §13.825 Subd. 10 requires notice to the Minnesota Bureau of Criminal Apprehension within 10 days. This notice must include a description of the technology and its surveillance capability and intended uses.

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 GRPD records.

Audit Conclusions

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



Rampart Audit, LLC

11/2/2026

APPENDIX A:

Policy **445**

Grand Rapids Police Department

Grand Rapids Policy Manual

Effective: 06/01/2022
Reevaluate: 06/01/2027
Version Date: 07/24/2024

Portable Audio/Video Recorders

445.1 PURPOSE AND SCOPE

The primary purpose of using Portable Audio/Video Recorders is to capture evidence arising from police-citizen encounters. This policy sets forth guidelines governing the use of Portable Audio/ Video Recorders and administering the data that results. Compliance with these guidelines is mandatory, but it is recognized that officers must also attend to other primary duties and the safety of all concerned, sometimes in circumstances that are tense, uncertain, and rapidly evolving. 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.

This policy governs the use of Portable Audio/Video Recorder's in the course of official duties. It does not apply to the use of squad-based (dash-cam) recording systems. The Chief or his designee may supersede this policy by providing specific instructions for Portable Audio/Video Recorder use to individual officers, or providing specific instructions pertaining to particular events or classes of events, including but not limited to political rallies and demonstrations. The Chief or designee may also provide specific instructions or standard operating procedures for Portable Audio/Video Recorder use to officers assigned to specialized details, such as carrying out duties in courts or guarding prisoners or patients in hospitals and mental health facilities.

445.1.1 DEFINITIONS

(a) MGDPA or Data Practices Act refers to the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.

(b) Records Retention Schedule refers to the General Records Retention Schedule for Minnesota Cities.

(c) Law enforcement-related information means information captured or available for capture by use of a Portable Audio/Video Recorder that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.

(d) Evidentiary value means that the information may be useful as proof in a criminal prosecution, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.

(e) General Citizen Contact means an informal encounter with a citizen that is not and does not become law enforcement-related or adversarial, and a recording of the event would not yield information relevant to an ongoing investigation. Examples include, but are not limited to, assisting a motorist with directions, summoning a wrecker, or receiving generalized concerns from a citizen about crime trends in his or her neighborhood.

(f) Adversarial means a law enforcement encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.

(g) Unintentionally recorded footage is a video recording that results from a officer's inadvertence or neglect in operating the officers Portable Audio/Video Recorder, provided that no portion of the resulting recording has evidentiary value. Examples of unintentionally recorded footage include, but are not limited to, recordings made in station house locker rooms, restrooms, and recordings made while deputies were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded.

(h) Official duties, for purposes of this policy, means that the officer is on duty and performing authorized law enforcement services on behalf of this agency.

445.2 POLICY

It is the policy of the Grand Rapids Police Department to authorize and require the use of office issued Portable Audio/Video Recorder's as set forth below, and to administer Portable Audio/ Video Recorder data as provided by law. All recordings made by members on any office-issued device at any time or while acting in an official capacity of this office, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

445.3 USE AND DOCUMENTATION

(a) Officers may use only office-issued Portable Audio/Video Recorder's in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of the Grand Rapids Police Department.

(b) Officers who have been issued a Portable Audio/Video Recorder shall operate and use them consistent with this policy. Officers shall conduct a function test of their issued Portable Audio/Video Recorder at the beginning of each shift to make sure the devices are operating properly. Officers noting a malfunction during testing or at any other time shall promptly report the malfunction to the officer's supervisor and shall document the report in writing. Supervisors shall take prompt action to address malfunctions and document the steps taken in writing. If the Portable Audio/Video Recorder cannot be returned to full working condition, it shall be removed from service for repair and the officer may use one of the spares (Investigations) until their issued Portable Audio/ Video Recorder is repaired.

(c) Officers should wear their issued Portable Audio/Video Recorders at the location on their body and in the manner specified in training. The Portable Audio/Video Recorders must be worn at or above the mid-line of the waist.

(d) Officers must document Portable Audio/Video Recorder use and non-use as follows:

1. Whenever an officer makes a recording, the existence of the recording shall be documented in an incident report

2. Whenever an officer fails to record an activity that is required to be recorded under this policy or captures only a part of the activity, the officer must document the circumstances and reasons for not recording in an incident report. Supervisors shall review these reports and initiate any corrective action deemed necessary.

(e) The office will maintain the following records and documents relating to Portable Audio/ Video Recorder use, which are classified as public data:

1. The total number of Portable Audio/Video Recorder's owned or maintained by the agency.

2. A record of the total number of Portable Audio/Video Recorder's actually deployed and used by officers.

3. The total amount of recorded Portable Audio/Video Recorder data collected and maintained; and

4. This policy, together with the Records Retention Schedule.

445.4 GENERAL GUIDELINES FOR RECORDING

(a) Officers shall immediately activate their Portable Audio/Video Recorder when responding to all calls for service and during all law enforcement-related encounters and activities, including but not limited to pursuits, Terry stops of motorists or pedestrians, arrests, searches, suspect

interviews and interrogations, and during any police/citizen contacts that becomes adversarial. However, officers need not activate their cameras when it would be unsafe, impossible, or impractical to do so, but such instances of not recording when otherwise required must be documented as specified in the Use and Documentation guidelines, part (D)(2) (above).

(b) Officers have discretion to record or not record general citizen contacts.

(c) Officers have no affirmative duty to inform people that a Portable Audio/Video Recorder is being operated or that the individuals are being recorded.

(d) Once activated, the Portable Audio/Video Recorder should continue recording until the conclusion of the incident or encounter, or until it becomes apparent that additional recording is unlikely to capture information having evidentiary value. The officer/ investigator having charge of a scene shall likewise direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value. If the recording is discontinued while an investigation, response, or incident is ongoing, officers shall state the reasons for ceasing the recording on camera before deactivating their Portable Audio/Video Recorder. If circumstances change, officers shall reactivate their cameras as required by this policy to capture information having evidentiary value.

(e) Officers shall not intentionally block the Portable Audio/Video Recorders audio or visual recording functionality to defeat the purposes of this policy.

1. Officers have the discretion of utilizing the mute function on the Portable Audio/Video Recorder when having conversations regarding tactics, operations planning or anything regarded as private and/or confidential.

(f) Notwithstanding any other provision in this policy, officers shall not use their Portable Audio/Video Recorders to record other agency personnel during non-enforcement related activities, such as during pre- and post-shift time in locker rooms, during meal breaks, or during other private conversations, unless recording is authorized as part of an administrative or criminal investigation.

(g) The guidelines set forth in this policy shall be followed while working under the command and control of another CLEO or Federal Law enforcement agent.

445.4.1 SPECIAL GUIDELINES FOR RECORDING

Officers may, in the exercise of sound discretion, determine:

(a) To use their Portable Audio/Video Recorder's to record any police-citizen encounter if there is reason to believe the recording would potentially yield information having evidentiary value, unless such recording is otherwise expressly prohibited.

(b) To use their Portable Audio/Video Recorder's to take recorded statements from persons believed to be victims of and witnesses to crimes, and persons suspected of committing crimes, considering the needs of the investigation and the circumstances pertaining to the victim, witness, or suspect.

In addition,

(a) Officers need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value. When responding to an apparent mental health crisis or event, Portable Audio/Video Recorder's shall be activated as necessary to document any use of force and the basis for it, and any other information having evidentiary value, but need not be activated when doing so would serve only to record symptoms or behaviors believed to be attributable to the mental health issue.

(b) Officers shall use their Portable Audio/Video Recorder's or squad-based audio/ video systems to record their transportation and the physical transfer of persons in their custody to hospitals, detox and mental health care facilities, juvenile detention centers, and jails, but otherwise should not record in these facilities unless the officer anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of force incident.

445.5 DOWNLOADING AND LABELING DATA

(a) Each officer using a Portable Audio/Video Recorder is responsible for transferring or assuring the proper transfer of the data from his or her camera to the cloud by the end of that officer's shift. However, if the officer is involved in a shooting, in custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor shall take custody of the officer's Portable Audio/Video Recorder and assume responsibility for transferring the data from it.

(b) Officers shall tag the Portable Audio/Video Recorder data files after the video transfer to storage as soon as practicable, and should consult with a supervisor if in doubt as to the appropriate tag to be used. A few examples listed below but not limited to. Officers should assign as many of the following tags as are applicable to each file:

1. Homicide
2. Death
3. Officer Involved Shooting or Death
4. Use of Force
5. Officer Injury
6. Officer Complaint
7. Sex Assault
8. Juvenile
9. Felony
10. Gross Misdemeanor

11. Misdemeanor

12. DWI

13. Traffic Crash Charges

14. Traffic Crash No Charges

15. Traffic Stop

16. Traffic Warning

17. ICR with No Charges

18. Training Demo

19. Pending Review

20. Uncategorized

21. Unintentional Capture

(c) Annotating and tagging designations may be corrected or amended based on additional information.

445.6 ADMINISTERING ACCESS TO PORTABLE AUDIO/VIDEO RECORDING DATA

(a) Data subjects. Under Minnesota law, the following are considered data subjects for purposes of administering access to Portable Audio/Video Recorder data:

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

(b) Portable Audio/Video Recorder data is presumptively private. Portable Audio/ Video Recorder recordings are classified as private data about the data subjects unless there is a specific law that provides differently. As a result:

1. Portable Audio/Video Recorder data pertaining to people is presumed private, as is Portable Audio/Video Recorder data pertaining to businesses or other entities.
2. Some Portable Audio/Video Recorder data is classified as confidential (see C. below).
3. Some Portable Audio/Video Recorder data is classified as public (see D. below).

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

(d) Public data. The following Portable Audio/Video Recorder data is public:

1. Data documenting the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous.

2. Data that documents the use of force by a peace officer that result in substantial bodily harm.

3. Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any data subject (other than a peace officer) who has not consented to the public release must be redacted [if practicable]. In addition, any data on undercover officer must be redacted.

4. Data that documents the final disposition of a disciplinary action against a public employee.

5. However, if another provision of the Data Practices Act classifies data as private or otherwise not public, the data retains that other classification. For instance, data that reveals protected identities under Minn. Stat. § 13.82, sub. 17 (e.g., certain victims, witnesses, and others) should not be released even if it would otherwise fit into one of the public categories listed above.

(e) Access to Portable Audio/Video Recorder data by non-employees. Officers shall refer members of the media or public seeking access to Portable Audio/Video Recorder data to Grand Rapids Police Department Records Division, who shall process the request in accordance with the MGDPA and other governing laws. In particular:

1. An individual shall be allowed to review recorded Portable Audio/Video Recorder data about him- or herself and other data subjects in the recording, but access shall not be granted:

   (a) If the data was collected or created as part of an active investigation.

   (b) To portions of the data that the office would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minn. Stat. § 13.82, subd. 17.

2. Unless the data is part of an active investigation, an individual data subject shall be provided with a copy of the recording upon request, but subject to the following guidelines on redaction.

   (a) Data on other individuals in the recording who do not consent to the release must be redacted.

   (b) Data that would identify undercover officers must be redacted.

   (c) Data on other officers who are not undercover, and who are on duty and engaged in the performance of official duties, may not be redacted.

(f) Access by peace officer and law enforcement employees. No employee may have access to the department's Portable Audio/Video Recorder data except for legitimate law enforcement or data administration purposes:

1. Officers may view stored Portable Audio/Video Recorder video only when there is a business need for doing so. 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

    (a) Officers are prohibited from reviewing Portable Audio/Video Recorder footage following a police-citizen critical incident that results in great bodily harm or death to a citizen prior to giving a voluntary statement to the investigating authority.

    (b) Under rare circumstances, when a given fact-set calls for clarification of a critical incident, and with unanimous agreement of the Chief or his/ her designee, the investigating authority, and the prosecuting authority, an involved officer may be authorized to review video prior to or during an investigatory interview of an incident. In the event that pre-statement Portable Audio/Video Recorder footage viewing is authorized, the Chief or his/her designee shall make pre-statement review authorization and the reason for the authorization publicly available upon request.

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

3. Employees seeking access to Portable Audio/Video Recorder data for nonbusiness reasons may make a request for it in the same manner as any member of the public.

(g) Other authorized disclosures of data. Officers may display portions of Portable Audio/ Video Recorder footage to witnesses as necessary for purposes of investigation as allowed by Minn. Stat. § 13.82, subd. 15, as may be amended from time to time. Officers should generally limit these displays in order to protect against the incidental disclosure of individuals whose identities are not public. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio but not displaying video. In addition,

1. Portable Audio/Video Recorder data may be shared with other law enforcement agencies with the verbal understanding that the agency will abide by all Chapter 13 security obligations. Other law enforcement agencies may only receive data for legitimate law enforcement purposes that are documented in writing at the time of the disclosure.

2. Portable Audio/Video Recorder data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

(h) 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.

A law enforcement agency may redact or withhold access to portions of data that are public under this subdivision if those portions of data are clearly offensive to common sensibilities.

Section 13.04, subdivision 2, does not apply to collection of data classified by this subdivision.

Any person may bring an action in the district court located in the county where portable recording system data are being maintained to authorize disclosure of data that are private or nonpublic under this section or to challenge a determination under paragraph (e) to redact or withhold access to portions of data because the data are clearly offensive to common sensibilities. The person bringing the action must give notice of the action to the law enforcement agency and subjects of the data, if known. The law enforcement agency must give notice to other subjects of the data, if known, who did not receive the notice from the person bringing the action. The court may order that all or part of the data be released to the public or to the person bringing the action. In making this determination, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency, or to a subject of the data and, if the action is challenging a determination under paragraph (e), whether the data are clearly offensive to common sensibilities. The data in dispute must be examined by the court in camera. This paragraph does not affect the right of a defendant in a criminal proceeding to obtain access to portable recording system data under the Rules of Criminal Procedure.

445.6.1 SPECIAL CONSIDERATIONS OF DATA PRIOR TO RELEASE

Prior to release of data, a supervisor shall determine if a file is appropriate for release if it contains subjects who may have rights under the MGDPA limiting public disclosure of information about them. These individuals include:

(a) Victims and alleged victims of criminal sexual conduct.

(b) Victims of child abuse or neglect.

(c) Vulnerable adults who are victims of maltreatment.

(d) Undercover officers.

(e) Informants.

(f) When the video is clearly offensive to common sensitivities.

(g) Victims of and witnesses to crimes, if the victim or witness has requested not to be identified publicly.

(h) Individuals who called 911 and services subscribers whose lines were used to place a call to the 911 system.

(i) Mandated reporters.

(j) Juvenile witnesses, if the nature of the event or activity justifies protecting the identity of the witness.

(k) Juveniles who are or may be delinquent or engaged in criminal acts.

(l) Individuals who make complaints about violations with respect to the use of real property.

(m) Officers and employees who are the subject of a complaint related to the events captured on video.

(n) Other individuals whose identities the officer believes may be legally protected from public disclosure.

Prior to release of Portable Audio/Video Recorder data, the Records Division will consult with the officer/investigator to ensure that any of the above listed persons are potentially on any footage captured by the Portable Audio/Video Recorder.

445.7 DATA SECURITY SAFEGUARDS

(a) All safeguards in place by Evidence.com will meet or exceed required security parameters. In addition:

(b) Personally owned devices, including but not limited to computers and mobile devices, shall not be programed or used to access or view agency Portable Audio/Video Recorder data.

(c) Officers shall not intentionally edit, alter, or erase any Portable Audio/Video Recorder recording unless otherwise expressly authorized by the Chief or his/her designee.

(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 Portable Audio/Video Recorder program.

445.8 OFFICE USE OF DATA

(a) Supervisors will randomly review Portable Audio/Video Recorder usage by each officer to ensure compliance with this policy

(b) In addition, supervisors and other assigned personnel may access Portable Audio/ Video Recorder data for the purposes of reviewing or investigating a specific incident that has given rise to a complaint or concern about officer misconduct or performance.

(c) Nothing in this policy limits or prohibits the use of Portable Audio/Video Recorder data as evidence of misconduct or as a basis for discipline.

(d) Officers should contact their supervisors to discuss retaining and using Portable Audio/Video Recorder footage for training purposes. Officer objections to preserving or using certain footage for training will be considered on a case-by-case basis. Field training officers may utilize Portable Audio/Video Recorder data with trainees for the purpose of providing coaching and feedback on the trainees' performance.

445.9 DATA RETENTION

(a) All Portable Audio/Video Recorder data shall be retained for a minimum period of 90 days. There are no exceptions non-evidentiary data.

(b) Data documenting the discharge of a firearm by an officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous, must be maintained for a minimum period of one year.

(c) Certain kinds of BWC or portable audio/video records data must be retained for six years:

1. Data that documents the use of deadly force by an officer, or force of a sufficient type or degree to require a use of force report or supervisory review.

2. Data documenting circumstances that have given rise to a formal complaint against an officer.

(d) Other data having evidentiary value shall be retained for the period specified in the Records Retention Schedule. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable period.

(e) Subject to Part F (below), all other Portable Audio/Video Recorder footage that is classified as non-evidentiary, becomes classified as non-evidentiary, or is not maintained for training shall be destroyed after 90 days.

(f) Upon written request by a Portable Audio/Video Recorder data subject, the office shall retain a recording pertaining to that subject for an additional time period requested by the subject

of up to 365 days. The agency will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received.

(g) Unintentionally recorded data will not be retained only after the following review.

(1) A sergeant is notified by the employee who collected the material.
(2) The sergeant will then approach a Police Captain and the Police Chief who will then review the request based on the material, referencing definitions provided in 445.1.1 and considering if the material poses any legitimate law enforcement value. Ultimately, the Police Chief will authorize not retaining the recorded data.

(h) All Deadly Force incidents must be held for an indefinite period of time.

445.10 COMPLIANCE

Supervisors shall monitor for compliance with this policy. The unauthorized access to or disclosure of Portable Audio/Video Recorder data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. § 13.09 and/or Minn. State Statute 262.8473.

APPENDIX B:

GRAND RAPIDS POLICE DEPARTMENT POLICY MANUAL

Portable Recording Systems

Policy #: 3.5.11
Effective Date:

PURPOSE

The purpose of this policy is to ensure the proper use of portable recording systems. The primary purpose of using these portable recording systems is to capture evidence arising from department employee encounters with citizens. Such systems also serve to enhance transparency and accountability by providing an objective record of law enforcement interactions. The department authorizes the use of department-issued portable recording systems, and this policy sets forth guidelines governing the use of body worn and squad vehicle cameras, and the management of the resulting data.

DEFINITIONS

DATA SUBJECTS – any person or entity whose image or voice is documented in the data; the officer who collected the data; or any other officer whose voice or image is documented in the data, regardless of whether that officer is or can be identified by the recording.

PORTABLE RECORDING SYSTEM - a device worn by a department employee or equipped in a squad vehicle that is capable of both video and audio recording of the employee's activities and interactions with others or collecting digital multimedia evidence as part of an investigation.

GUIDELINES

Maintenance and Use of Portable Recording Systems

An employee may only use a portable recording system issued and maintained by the department to document the employee's work-related activities while on duty.

Employees may only use department-issued portable recording systems in the performance of official duties for the department or when otherwise performing authorized law enforcement services as an employee of the department.

Uniformed officers who are working patrol, traffic enforcement, special assignment or details~~, or department authorized off-duty employment~~ shall use a body worn camera unless permission has been granted by a supervisor to deviate from this policy.

Plain clothes officers and/or officers working administrative assignments shall use a body worn camera for all search warrants, preplanned apprehensions and/or enforcement details, including traffic stops and person stops. Plain clothes officers may elect to use a body worn camera pursuant to the needs of a specific investigation or job duty, or when directed by a supervisor. If use of a body worn camera would be detrimental or compromise a plain-clothes operation, the use of a body worn camera would not be required with supervisor approval.

Officers who are working under the direction of another chief law enforcement officer or federal law enforcement official and who are assigned a portable recording system must operate the device in compliance with this policy.

Employees shall conduct a function test of their department-issued portable recording system(s) at the beginning of each shift. Employees noting a malfunction during testing or at any other time should promptly report the malfunction to a supervisor. Supervisors should take prompt action to address malfunctions and assign replacement equipment when necessary.

A body worn camera system must be worn at or above the midline of the waist at a position that maximizes the recording system's capacity to record video coverage of the employee's activities.

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

9. This policy prohibits any altering, erasing, or destroying any recording made with a peace officer's portable recording system or data and metadata related to the recording prior to the expiration of the applicable retention period.

Portable Recording System Use

Employees shall activate their body worn cameras when anticipating that they will be involved in or become involved in a pursuit, investigative stop of a motorist or pedestrian, search, seizure, arrest, use of force, adversarial contact, and during other activities likely to yield information having evidentiary value. Employees need not activate their cameras when it would be unsafe, impossible, or impractical to do so.

Employees have discretion to record or not record any informal encounter with a citizen that is not and does not become law enforcement related or adversarial, and a recording of the event would not yield information relevant to an ongoing investigation. Employees may decide to use their body worn cameras to record any citizen encounter if there is reason to believe the recording would potentially yield information having evidentiary value, unless such recording is otherwise expressly prohibited.

Employees have no affirmative duty to inform people that a portable recording system is being operated or that the individuals are being recorded but may do so at any time.

Employees should be sensitive to the dignity of members of the public being recorded and exercise sound discretion to respect privacy by discontinuing recording when it reasonably appears that such privacy outweighs any legitimate interest in recording. Requests by members of the public to stop recording should be considered using these same criteria. Recording should resume when privacy is no longer at issue unless no longer required by another section of this policy. Employees should state the reason on camera before deactivating their recording device(s) and specify the circumstances in their report.

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

Employees should use their body worn camera to record their transportation and the physical transfer of persons in their custody to hospitals, detox, mental health facilities, or another agency’s detention facility, but otherwise should not record inside these facilities unless necessary to document criminal activity, use of force, or an adversarial encounter.

Employees shall not use their portable recording system(s) to record non-work-related activity. Employees shall not use their portable recording system(s) to record other department personnel during non-enforcement related activities, such as before or after shift time, in locker rooms or restrooms, during breaks, during other private conversations or within areas of the department restricted to personnel-only, unless recording is authorized as part of an administrative or criminal investigation.

Once activated, the portable recording system should continue recording until the conclusion of the incident or encounter, or until it becomes apparent that additional recording is unlikely to capture information having evidentiary value. An officer having charge of a scene may direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value. If the recording is discontinued while an investigation, response or incident is ongoing, the employee should state the reasons for ceasing the recording on camera before deactivating the device. If circumstances change, employees shall reactivate their cameras as required by this policy to capture information having evidentiary value.

Documentation

Whenever an employee makes a recording it shall be documented in the incident report. If no report is written, the recording shall be noted in the Computer-Aided Dispatch (CAD) event.

If an employee fails to record an activity that is required to be recorded under this policy, or captures only part of the activity, the employee must document the reasons for not recording in the incident report, or if no report is written, in the CAD event. If an activity was not recorded due to a supervisor's directive, the circumstances shall be documented in the same manner.

Data Retention

Employees are responsible for transferring portable recording system data to the video storage server by the end of their shift. In cases involving a shooting or any incident resulting in death or great bodily harm, a supervisor or investigator shall take custody of the portable recording system and ensure the data is properly secured, transferred, and retained.

All portable recording system data shall be retained for a minimum period of ninety (90) days. There are no exceptions for erroneously recorded or non-evidentiary data. Other body worn camera data that is classified as non-evidentiary, becomes non-evidentiary, or is not maintained for training should be destroyed after ninety (90) days.

All recordings documenting the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured, or dangerous, and recordings documenting the use of force by a peace officer that results in substantial bodily harm must be maintained for a minimum period of one (1) year.

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

Other data having evidentiary value shall be retained for the period specified in the applicable records retention schedule.

When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable period.

Upon written request by a body worn camera data subject, the department shall retain a recording pertaining to that subject for an additional time period requested by the subject, up to one hundred eighty (180) days, pursuant to Minn. Stat. § 13.825, subd. 3. The department must notify the requestor at the time of the request that the data will then be destroyed unless a new written request for retention is received.

Data Access and Disclosure

Access by Employees

Employees may only access portable recording system data for legitimate law enforcement or data administration purposes.

Employees may access and view stored video only when there is a business need for doing so, including the need to defend against an allegation of misconduct or substandard performance. Employees may review video footage of an incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about the incident.

Supervisors should review portable recording system usage by each employee to ensure compliance with this policy.

Supervisors and other assigned personnel may access portable recording system data for the purpose of reviewing or investigating a specific incident that has given rise to a complaint or concern about employee misconduct or performance.

Field training officers may utilize portable recording system data with trainees for the purposes of providing coaching and feedback on the trainee's performance.

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

Access by Non-Employees

An individual should be allowed to review portable recording system data about themselves and other data subjects in the recording, however access shall not be granted:

If the data was collected or created as part of an active investigation; or

To portions of the data that the department would otherwise be prohibited by law from disclosing to the person seeking access.

Unless the data is part of an active investigation, an individual data subject shall be provided with a copy of the recording upon request, subject to redaction.

Data on other individuals in the recording who do not consent to the release must be redacted.

Data that would identify undercover officers must be redacted.

Data on other officers who are not undercover and who are on duty and engaged in the performance of official duties may not be redacted.

Portable Recording System Data from Motor Vehicle Collisions

A person entitled to a report of a collision, under Minn. Stat. § 169.09, subd. 13, must be provided with copies of unredacted data from all portable recording systems used in the collision investigation, including data on other individuals who are the subject of the recording. A request must be made in writing and accompanied by the accident report relating to the data.

The department shall notify the requester of the remedies and penalties applicable under Minn Stat. § 13.08 should the requester use or disseminate the data in an unauthorized manner. Minn. Stat. § 13.825, subd. 4.

The department may deny a request for unredacted portable recording system from a person entitled to a report of a motor vehicle collision, if:

The department determines there is a compelling reason that providing access to the data would interfere with an active investigation;

The data is clearly offensive to common sensibilities; or

The data is classified as not public by a provision of Minnesota Statute Chapter 13.

If the department denies access, the department must provide a prompt, written reason for the denial to the individual who requested the data with a description of the compelling reason and must provide notice that relief may be sought from the district court under Minn. Stat. § 13.82, subd. 7. Minn. Stat. § 13.825, subd. 4.

Data Documenting Deadly Use of Force Incidents

When an individual dies as a result of the use of force by an officer employed by the department, the department shall release all body worn camera data documenting the incident, redacted no more than what is required by law, no later than fourteen (14) days after the incident, pursuant to Minn. Stat. § 13.825.

As allowed by Minn. Stat. § 13.825, upon request, when an individual dies as a result of use of force by an officer, the department must allow the following individuals to view all body worn camera data, redacted no more than what is required by law, within five (5) days of the request:

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.

The Chief may deny a request if the department determines that there is a compelling reason that viewing or releasing the video would interfere with an active investigation. If the Chief deems releasing portable recording system data within the mandated fourteen (14) day period would interfere with an ongoing investigation, the Chief must assert this in writing. If the department denies access to an eligible individual, the Chief 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 Minn. Stat. § 13.82, subd. 7.

Pursuant to Minn. Stat. § 13.82, subd. 15, the department may make any data classified as confidential, protected nonpublic, or private accessible to any person, agency, or the public if the department determines that the access will aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest.

Authorized Disclosures

Officers may display portions of portable recording system footage to witnesses as necessary for purposes of investigation, as allowed by Minn. Stat. § 13.82, subd. 15. These displays should be limited in order to protect against the incidental disclosure of individuals whose identities are not public. Protecting against incidental disclosure could involve strategies such as showing only a portion of the video, showing only a screen shot of the footage, muting the audio, or playing the audio but not displaying the video.

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

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

Inventory and Records

The department shall maintain a written record of:

The total number of recording devices owned or maintained by the department;

A daily record of the total number of recording devices deployed and used by officers;

The policies and procedures for use of portable recording systems; and

The total amount of recorded audio and video data collected by the portable recording system and maintained by the department's retention schedule of the data, and the department's procedure for destruction of the data.

This information is public and shall be provided upon request.

Compliance

Supervisors shall monitor for compliance with this policy. The unauthorized access to or disclosure of portable recording system data may constitute misconduct and subject individuals to disciplinary action and criminal penalties, pursuant to Minn. Stat. § 13.09.

If data collected by a portable recording system is received from another law enforcement agency, the department must comply with all data classification, destruction, and security requirements of the recording agency.

The Chief or the Chief's designee should periodically review the efficacy of the body worn camera program, including review of this policy, to ensure it remains compliant with relevant laws and practices.