

Portable Audio/Video Recorders (Body-Worn Cameras (BWC))

421.1 PURPOSE

The primary purpose of using body-worn-cameras (BWCs) is to capture evidence arising from police-citizen encounters. This policy sets forth guidelines governing the use of BWCs and the management, access, storage, retrieval, retention, and the administering of 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. We also recognize and understand that not every aspect of an incident will be shown on the media generated by a BWC, but it is another form of supporting documentation of an incident.

421.2 POLICY

It is the policy of the Waseca Police Department (the "Agency") to authorize and require the use of Agency-issued BWCs as set forth below, and to administer BWC data as provided by law. This policy does not apply to squad-based (dash-cam) recording systems. The Chief of Police or his/her designee may provide specific instruction to an officer assigned to a specialty unit or assignment including but not limited to operation of a BWC in a health care or mental health facility.

421.3 DEFINITIONS

- A. **Adversarial:** 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, shouting or body posturing. Encounters in which a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.
- B. **Body-Worn-Camera (BWC):** A camera worn on an individual officer's person that records and stores audio and video.
- C. **BWC Administrator:** Typically, a supervisor or a designee, who assigns, tracks, and maintains BWC equipment, oversees needed repairs or replacement equipment through the vendor, controls user rights and access, and acts as a liaison with the vendor.
- D. **Evidentiary Value:** Information that may be useful as proof in a criminal prosecution, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.
- E. **General Citizen Contact:** 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

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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. **Law Enforcement-Related Information:** Information captured or available for capture by use of a BWC that has evidentiary value because it documents events with respect to a stop, arrest, search, citation, or charging decision.
- G. **MGDPA or Data Practices Act:** The Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.
- 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.
- I. **Records Retention Schedule:** The General Records Retention Schedule for Minnesota Cities located at https://www.mcfoa.org/resources/Documents/2021_Retention_Schedule.pdf.
- J. **Unintentionally Recorded Footage:** A video recording that results from an officer's inadvertence in operating the officer's BWC, 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 officers were engaged in conversations of a non-business, personal nature with the expectation that the conversation was not being recorded.
- K. **Brady-Giglio Impaired:** A police officer that has engaged in certain qualifying conduct established by the Waseca County Attorney that may necessitate disclosure as part of the prosecution or defense of a criminal defendant. A police officer deemed to have a Brady-Giglio impairment shall have additional BWC use expectations as identified within this policy.
- L. **AXON Capture and Evidence.com:** The vendor-supplied software and file management system used to store, manage, edit, share, retain and purge BWC and other submitted electronic data.
- M. **Records and Evidence Technician:** Non-sworn employees of the agency responsible for the maintenance, storage, dispersal, and disposal of agency records and evidence. These employees are supervised by a sworn, licensed member of the agency.
- N. **Critical Incidents:** include officer-involved shootings and other situations involving most or all of the following circumstances:
- A law enforcement officer has used force or taken other actions;
 - That resulted in death or serious injury to another;
 - A review of the officer's conduct for compliance with criminal laws is likely to occur regardless of whether there is a citizen complaint;
 - It is foreseeable that the event will result in at least some degree of media interest or public scrutiny toward the agency and officer(s); and
 - The circumstances will warrant due consideration for the emotional health and well-being of the officers involved.

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421.4 OBJECTIVES

The Waseca Police Department has adopted the use AXON BWC to accomplish the following objectives:

- To enhance law enforcement officer safety.
- To document statements and events during an incident.
- To enhance the officer(s) ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- To preserve audio and visual information for use in current and future investigations.
- To provide a tool for self-critique and field evaluation during LEO training.
- To enhance the public trust by preserving factual representations of law enforcement officer-citizen interactions in the form of audio-video recordings.
- To assist with the defense of civil actions against law enforcement officers and the City of Waseca.
- To assist with the training and evaluation of law enforcement officers.
- To promote and enhance safe vehicle operation.

421.5 TRAINING

Users of the BWC systems and supervisors shall successfully complete an approved course of instruction prior to being deployed. This training shall be documented by the Waseca Police Department.

421.6 USE AND DOCUMENTATION

- A. All licensed Officers, Investigators and Administrators ("Officers") are required, while on duty and investigating a call for service, to wear their Agency-issued BWCs and follow this policy. This also includes performing law enforcement activities under the command and control of another law enforcement officer or federal law enforcement official.
- B. Officers may use only Agency-issued BWCs in the performance of official duties for this Agency or when otherwise performing authorized law enforcement services as an employee of this Agency.
- C. Officers who have been issued BWCs shall operate and use them consistent with this policy. Officers shall power on their BWC upon the start of their shift and ensure their assigned BWC is functioning properly. Officers noting a malfunction during testing or at any other time shall promptly report the malfunction to their immediate supervisor and shall forward written notification via email to the BWC Administrator. The officer shall then use a spare BWC that has been tested and is operating properly. The BWC Administrator shall take prompt action to address malfunctions and document the steps taken in writing.

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- D. Officers should wear their issued BWCs at the location on their body and in the manner specified in training. Specifically, officers shall wear their issued BWCs at or above the mid-line of the waist in a position that maximizes the recording system's capacity to record video footage.
- E. Officers must document BWC use and non-use as follows:
 - 1. Whenever an officer makes a recording, the existence of the recording shall be properly categorized and labeled.
 - 2. When an officer is utilizing a BWC and an officer fails to record an activity that should have been recorded or the officer should have reasonably known to activate the BWC, the officer shall document the circumstances and reason for not recording an incident. A supervisor shall review any circumstances where a recording reasonably should have been made or documented on a BWC. If needed, corrective action shall be taken.
- F. The Agency will maintain the following records and documents relating to BWC use, which are classified as public data:
 - 1. The total number of BWCs owned or maintained by the Agency;
 - 2. A daily record of the total number of BWCs actually deployed and used by officers;
 - 3. The total amount of recorded BWC data collected and maintained; and
 - 4. This policy, together with the Records Retention Schedule.

421.7 GENERAL GUIDELINES FOR RECORDING

- A. Officers shall activate their BWCs when responding to all calls for service and during all law enforcement-related encounters and activities, including but not limited to pursuits, felony in-progress calls, Terry stops of motorists or pedestrians, arrests, searches, suspect interviews, and interrogations, and during any police/citizen contact that becomes adversarial. However, officers need not activate their cameras when it would be unsafe, impossible, or impractical to do so or may cause harm to themselves or the public, but such instances of not recording when otherwise required must be documented as specified in the Use and Documentation guidelines, part (E)(2) (above).
- B. Except as otherwise directed, officers have discretion to record or not record incidental citizen contacts. If designated Brady-Giglio impaired, officers must activate BWC when responding to all calls for service and all general citizen contacts regardless of the circumstance.
- C. Officers have no affirmative duty to inform people that a BWC is being operated or that the individuals are being recorded. However, if asked, officers shall advise citizens they are being recorded.
- D. Officers shall not intentionally block the BWC's audio or visual recording functionality to defeat the purposes of this policy.

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- E. Officers are allowed to mute the recording by using the mute button. Officers must describe why they are muting the conversation prior to doing so and can be done during Supervisor conferences or tactical preplanning.
- F. Notwithstanding any other provision of this policy, officers shall not use their BWCs to record other agency personnel during non-enforcement related activities, such as during pre- and post shift time in locker rooms, during meals or breaks, during shift briefing or other meetings, or during other private conversations, unless recording is authorized as part of an administrative or criminal investigation.

421.8 SPECIAL GUIDELINES FOR RECORDING

- A. Officers may, in the exercise of sound discretion, determine:
 - 1. To use their BWCs 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.
 - 2. To use their BWCs to take recorded statements from persons believed to be victims of an 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.
- B. Officers shall use their BWCs and 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.
- C. 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, BWCs are recommended to be activated 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 to be attributable to the mental health issue.

421.9 DOCUMENTING BWC USE

If any incident or video statements are recorded with the BWC system, the existence of that recording shall be documented in the officer's report.

421.10 CESSATION OF RECORDING

- A. Once activated, the BWC 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. 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 BWC. A statement on

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camera such as, "Everything has settled down and the action appears to be over" should often suffice as a statement of reasons for stopping to record.

- B. Recording may be temporarily ceased to exchange information with other officers or during non-enforcement activities such as waiting for a tow truck or a family member to arrive, or in other similar situations. Officers shall state the reasons for ceasing the recording on camera before deactivating their BWC.
- C. If circumstances change, officers shall reactivate their cameras as required by this policy to capture information having evidentiary value.
- D. Officers may utilize the audio mute for tactical and preplanning conversations. If this is utilized, the officer should first narrate a reason for stopping audio.

421.11 LOCATION AND LIVESTREAMING

Powered on BWC are in two possible states: standby and recording. All licensed staff have access to see the GPS location of other agency member's BWC while they are in standby or recording mode. If a BWC is in recording mode, all licensed members have access to livestream video remotely from those member's BWC. The purpose of this access is for officer safety and scene awareness and shall not be used to monitor any other agency member's location when there is no concern for officer safety or scene awareness, except when deemed appropriate by a supervisor. The following shall take place prior to accessing these features:

For Supervisors

- 1. There is no requirement for a supervisor to notify officers under their command when checking their location.
- 2. Prior to livestreaming another agency member's BWC recording, the supervisor shall notify the member of their intent to livestream first via radio, and if there is no answer on the radio, via cell phone. If there is no answer on either radio or cell phone, the supervisor may livestream to determine the member's safety status or monitor the scene.

For Non-supervisors

- 1. Non-supervisor members shall notify any other member first via radio, and if there is no answer on the radio, via cell phone when they intend to check their location or livestream the other member's BWC footage.
- 2. If there is no answer on either radio or cell phone, the member may locate or livestream the other member's BWC to determine the member's safety status.

Powering off a BWC or placing it in sleep mode to bypass these remote access features is prohibited.

All members should balance the need to drive to the member's location with the option to take time to livestream if there is potential that another member needs immediate help. Members should prioritize a physical presence at the scene over livestreaming. Members should not livestream another BWC while driving.

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421.12 PROHIBITED USE OF BWC

- A. Officers are prohibited from using Agency-issued BWC equipment for personal use and are prohibited from making and/or disseminating personal copies of recordings created while on duty or while acting in their official capacity.
- B. There shall be no audio or video recordings made in any court of law, unless authorized by a Judge (Minn. Court Rule 4, General Rules of Practice).
- C. Officers shall not record encounters with undercover officers or confidential informants or during administrative investigations in which the applicable oversight board has expressly prohibited such recordings.
- D. Officers shall not record patients during medical or psychological evaluations by a clinician or similar professional during treatment, unless required for evidentiary purposes (Example: Legal blood, etc.). Officers shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers shall be careful to avoid recording persons other than the suspect.
- E. Officers shall not record while in a facility whose primary purpose is to provide psychiatric services unless lawfully present in the course of officer duties responding to a radio call involving a suspect who is still present.
- F. Officers shall use discretion when recording while inside jail facilities based on the subject and subject's actions.
- G. Officers shall try to avoid recording videos of people who are nude or when sensitive human areas are exposed.
- H. Officers shall use discretion when recording victims of sexual assault.

421.13 UPLOADING AND LABELING DATA

- A. Each officer using a BWC is responsible for transferring or assuring the proper transfer of the data from his or her camera to designated cloud-based storage by the end of that officer's shift. However, if the officer is involved in a shooting, in-custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor or investigator shall take custody of all BWCs off all officers involved in the incident and assume responsibility for transferring the data from it.
- B. Officers shall label the BWC data files at the time of video capture or transfer to storage and should consult with a supervisor if in doubt as to the appropriate labeling. Officers shall label each file with the Case # and description using the Axon View or Axon View XL applications.
- C. An officer shall flag BWC files which they believe contain the likely presence of information about individuals whose identities may be legally protected under the MGDPA, which protects them from being disclosed to others, or any unintentionally recorded footage. Examples of such include:
 - 1. Other individuals whose identities the officer believes may be legally protected from public disclosure.

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2. Officers and employees who are the subject of a complaint related to the events captured on video.
 3. Individuals who make complaints about violations with respect to the use of real property.
 4. Juveniles who are or may be delinquent or engaged in criminal acts.
 5. Juvenile witnesses, if the nature of the event or activity justifies protecting the identity of the witness.
 6. Mandated reporters.
 7. Individuals who called 911, and service subscribers whose lines were used to place a call to the 911 system.
 8. Victims of and witnesses to crimes if the victim or witness has requested not to be identified publicly.
 9. When the video is clearly offensive to common sensitivities.
 10. Informants.
 11. Undercover officers.
 12. Vulnerable adults who are victims of maltreatment.
 13. Victims of child abuse or neglect.
 14. Victims and alleged victims of criminal sexual conduct and sex trafficking.
- D. Labeling and flagging designations may be corrected or amended based on additional information by a ranking officer or their non-sworn designee.

421.14 CATEGORIZATION AND RETENTION

CATEGORY	DESCRIPTION	RETENTION DURATION
Uncategorized		Until Manually Deleted
Adjudicated	Criminal file which is closed with the court	90 days after re-categorizing to adjudicated
Administrative	Internal affairs complaints or performance	7 years
Evidence	Evidence is collected and must be retained, case it not yet charged.	7 years Homicides: Permanent

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Non-enforcement contact	Entire recording has no criminal or other category data; e.g., directing traffic, funeral escort, motorist assist, medicals	90 days
Non-Traffic citation or arrest, referral for charges		7 years
Officer Injury	Injury is sustained by officer as a result of assault or accident	3 years
Pending Review	Not yet categorized, pending review by department e.g., use of force, pursuits, complaints	Until re-categorized or manually deleted
Test/Error	Erroneous recordings not falling into other categories; demonstrations and/or function tests	90 days
Traffic Citation	Any citation issued as a result of a motor vehicle stop or crash	180 days
Transport	Transport not because of an arrest. E.g., mental health, courtesy rides, etc.	90 days
Use of Force	Officer use of force	7 years
Adversarial Contact	See Definitions; (A), Page 1	7 years
Training	Files potentially useful in training other staff	7 years
Recording of a peace officer using deadly force	Full, unedited and un-redacted of the entire recording	Indefinite

421.15 OTHER RETENTION REQUIREMENTS

- A. All BWC data, including general citizen contacts and erroneously recorded or non-evidentiary data, shall be retained for a minimum period of 90 days.
- B. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable period.
- C. Upon written request by a BWC data subject, the Agency shall retain a recording pertaining to that subject for an additional time period requested by the subject of up to 180 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.
- D. The Agency shall maintain an inventory of BWC recordings having evidentiary value. The Records Retention Schedule provides that retention periods for cases that have been charged are based on the status of court proceedings. For uncharged offenses, retention is seven years or permanent in the case of homicides.
- E. The Agency will post this policy, together with a link to its Records Retention Schedule, on its website.

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Once submitted for storage all recorded media will be labeled and stored in a designated secure area. All recorded media that is not booked in as evidence will be retained in compliance with the Records Retention Schedule or as required by the rules for evidence, unless a specific request is made to store them for a longer period.

421.16 MANAGEMENT OF BWC DATA

The BWC Administrator is responsible for:

- A. Logs reflecting BWC equipment assignments, serial numbers, dates of issuance, and the officers to which each BWC was issued. These may be managed in a vendor-supplied software or another format designed by the BWC Administrator.
- B. Ensuring that BWC policies and procedures are followed;
- C. Ordering of all BWC equipment; and
- D. Corrective action for non-functioning BWC equipment.

The Evidence and Records Technician is responsible for:

- A. Retrieving, storing, erasing, and duplicating all recorded media.
- B. Collecting all completed media for oversight. Once collected, the Evidence and Records Technician, or its designee, shall:
 1. Ensure it is stored in a secured location with authorized controlled access; and
 2. Make appropriate entries in the chain of custody log.
- C. Erasing of media
 1. Pursuant to a court order; and/or
 2. In accordance with established records retention policies.
- D. Ensuring that an adequate supply of recording media is available.
- E. Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the Agency's evidence storage protocols and the records retention schedule.

421.17 ADMINISTERING ACCESS TO BWC DATA

- A. Data Subjects - Under Minnesota law, the following are considered data subjects for purposes of administering access to BWC 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. BWC data is presumptively private - BWC recordings are classified as private data about the data subjects unless there is a specific law that provides differently. As a result:

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1. BWC data pertaining to people is presumed private, as is BWC data pertaining to businesses or other entities.
 2. Some BWC data is classified as confidential (see C below).
 3. Some BWC data is classified as public (see D below).
- C. Confidential Data - BWC 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 BWC 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 results in substantial bodily harm.
 3. Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any data subject (other than a peace officer) who has not consented to the public release must be redacted. In addition, any data on undercover officers must be redacted.
 4. Data that documents the final disposition of a disciplinary action against a public employee.
 - (a) However, if another provision of the Data Practices Act classifies data as private or otherwise not public, the data retains that other classification. For instance, data that reveals protected identities under Minn. Stat. § 13.82, subd. 17 (e.g., certain victims, witnesses, and others) should not be released even if it would otherwise fit into one of the public categories listed above.
- E. Access to BWC data by non-employees - Officers shall refer members of the media or public seeking access to BWC data to the Chief of Police or his/her designee and/or the City's responsible authority, 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 BWC 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 Agency 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.
 - (c) Parties other than the data subjects may request body camera recordings after obtaining written authorization from all data subjects specified.
 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:

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- (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 officers and law enforcement employees - No employee may have access to the Agency's BWC data except for legitimate law enforcement or data administration purposes:
- 1. Officers may access and view stored BWC video only when there is a business need for doing so, including the need to defend against an allegation of misconduct or substandard performance. Officers may review video footage of an incident in which they were involved prior to preparing a report, giving a statement, or providing testimony about the incident, except in the case of critical incidents as outlined below.
 - 2. The Waseca Police Department recognizes that video and audio recordings from an event will likely contain more information than officers could perceive or take into account at the time of taking action, and there will therefore likely be differences between officers' recollection of events and what is captured by a digital recording device. Unless directed otherwise by the Chief of Police or designee, the Waseca Police Department will utilize the following procedures in an effort to assure that digital evidence is fairly used and considered in the course of investigations into critical incidents:
 - (a) The Waseca Police Department's video and audio recordings of an event will not be made available to an officer for review prior to the officer's statement to investigators.
 - (b) The Waseca Police Department expects that digital recordings will be used in a fair manner and to arrive at an accurate understanding of the incident and the officer's actions, based on what was perceived by and known to the officer at the time of acting. This agency will utilize the following procedures, and communicate these procedures to any outside investigating agency:
 - 1. The officer will be reminded at the outset of the interview that differences between digital recordings and the officer's memory are to be expected.
 - 2. The officer, together with the officer's attorney, will be provided with an opportunity to review and reflect on relevant digital recordings before the interview has been concluded; and
 - 3. The officer will be provided with a fair opportunity to address any additional issues or concerns that arise from consideration of the digital evidence.

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- G. This specific section of this policy does not govern officers' review or use of digital evidence in matters other than critical incidents, such as in the course of preparing reports in arrest situations.
- H. Agency personnel shall document their reasons for accessing stored BWC data, in the manner provided within the database, 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.
- I. 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.
- J. Other authorized disclosures of data:
 - 1. Officers may display portions of BWC 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:
 - 2. BWC data may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented in writing at the time of the disclosure.
 - 3. BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.
 - 4. Unless there is any law to the contrary, when an individual dies as a result of a use of force by a peace officer an involved Waseca Police Officer's BWC recordings must be allowed to be inspected, upon their request, all recording system data redacted no more than what is required by law, documenting the incident within five days of the request except as other provided in this section and in section 5.
 - (a) The deceased individual's next of kin; and
 - (b) The legal representative of the deceased individual's next of kin; and
 - (c) The other parent of the deceased individual's child
 - 1. The Waseca Police Department may deny a request if it is determined that there is a compelling reason that inspection would interfere with an active investigation. If access is denied, the Chief of Police 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.
 - 5. Unless there is any law to the contrary, when an individual dies as a result of a use of force by a peace officer the Waseca Police Department shall release

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all BWCs recording of the involved Waseca Police Officer, redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the Chief of Police 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.

421.18 DATA SECURITY SAFEGUARDS

- A. Data security safeguards are to be used by the Agency in connection with the particular BWC technologies being employed through the BWC vendor.
- B. Personally owned devices, including but not limited to computers and mobile devices, shall not be programed or used to access or view Agency BWC data unless specifically approved by the Chief of Police.
- C. Officers shall not intentionally edit, alter, erase, or destroy any recording made with their BWC or data or metadata related to the recording prior to the expiration of the applicable retention period under section 13.825, subd. 3 except that full, unedited and un-redacted recording of a peace officer using deadly force must be maintained indefinitely.
- 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.

421.19 AGENCY USE OF DATA

- A. Supervisors may randomly review BWC usage by each officer to ensure compliance with this policy and to identify any performance areas in which additional training or guidance is required.
- B. In addition, supervisors and other assigned personnel may access BWC 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 BWC data as evidence of misconduct or as a basis for discipline.
- D. Officers should contact their supervisors to discuss retaining and using BWC 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 BWC data with trainees for the purpose of providing coaching and feedback on the trainees' performance.
- E. BWC supporting applications downloaded on department issued phones have varying levels of discoverability. Employees may observe their own BWC videos on Axon View which is a non-discoverable conduit for temporary viewing. Axon Capture, however, is discoverable and should follow all evidentiary guidelines.

421.20 BIENNIAL AUDIT

The Waseca Police Department shall arrange for a biennial audit and report of the agency's BWC camera system and usage pursuant to § 13.825, subd. 9.

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421.21 COMPLIANCE

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

The Minnesota Board of Peace Officer Standards and Training has authority to inspect the Waseca Police Department's policies to ensure compliance with Minnesota State statutes. The MN POST Board may conduct an inspection based upon a complaint it receives concerning the Waseca Police Department or through a random selection process. The Board may impose licensing sanctions and see injunctive relief under section 214.11 for failing to comply with the law.