



**Marty Kelly**  
Goodhue County Sheriff

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Office (651) 267.2600  
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DATE: March 21, 2024

TO: Goodhue County Board Commissioners  
FROM: Sheriff Marty Kelly  
RE: Body Worn Camera (BWC) Program

Public Input Opportunity: Goodhue County Sheriff's Office Body Worn Camera Program Policy

The Goodhue County Sheriff's Office is proud to introduce its Body Worn Camera (BWC) Program, designed to enhance transparency and accountability in law enforcement activities. In compliance with Minnesota State Statute requirements and our commitment to community engagement, we are soliciting public input on the policy governing the use of BWCs.

Policy Presentation and Input Options:

1. **Public Presentation:** The BWC policy will be presented to the Goodhue County Board of Commissioners on April 16th, 2024. This presentation will provide an opportunity for community members to learn about the policy and offer feedback.
2. **Online Access:** The BWC policy will be made available online on the Goodhue County Sheriff's Office website. Community members can review the policy and submit their input through an online form.
3. **In-Person Availability:** Copies of the BWC policy will be accessible for review at the Goodhue County Law Enforcement Center. Visitors can provide their input through designated comment boxes.
4. **Email Feedback:** Community members can submit their input via email to [publiccommentbwc@co.goodhue.mn.us](mailto:publiccommentbwc@co.goodhue.mn.us).
5. **Written Mail:** Input can also be mailed to the following address:

Goodhue County Sheriff's Office  
Attn: BWC Policy Input  
430 West 6<sup>th</sup> St.  
Red Wing, MN 55066

**OFFICE OF THE GOODHUE COUNTY SHERIFF**

ADULT DETENTION  
CENTER  
651.267.2804

CIVIL DIVISION  
651.267.2601

RECORDS DIVISION  
651-267-2600

EMERGENCY  
MANAGEMENT  
651.267.2639

EMERGENCY  
COMMUNICATIONS  
651.385.3155

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Deadline for Input:

Community members are encouraged to provide their input on the BWC policy by the public hearing date of April 16,2024. All feedback received by this date will be considered in the finalization of the policy.



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**Public Hearing**  
**Body Worn Cameras and Body Worn Camera Policy**

The Goodhue County Sheriff's Office is in the process of implementing a Body Worn Camera Program. This includes providing Body Worn Cameras to all sworn Deputies and Detention Deputies in the Adult Detention Center.

The Sheriff's Office has received a bid from two companies and have chosen WatchGuard to provide the Body Worn Cameras, as well as storage and service.

A policy has been developed and is available online at <https://co.goodhue.mn.us/1524/Policies>, or at the Goodhue County Law Enforcement Center located at 430 W. 6<sup>th</sup> St., Red Wing, MN.

MN State Statute 626.8473 requires a public hearing at a regular county board meeting for comment regarding the Body Worn Camera Program. This hearing will be held on Tuesday, April 16, 2024, at 9:00 AM in the County Board Room on 3<sup>rd</sup> floor of the Goodhue County Government Center, located at 509 W. 5<sup>th</sup> St., Red Wing, MN.

Comments will also be accepted until April 16<sup>th</sup>, 2024 by email at [publiccommentbwc@co.goodhue.mn.us](mailto:publiccommentbwc@co.goodhue.mn.us), or mail at:

Body Worn Camera Implementation  
430 W. 6<sup>th</sup> St.  
Red Wing, MN 55066.

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**626.8473 PORTABLE RECORDING SYSTEMS ADOPTION; WRITTEN POLICY REQUIRED.**

Subdivision 1. **Definition.** As used in this section, "portable recording system" has the meaning provided in section 13.825, subdivision 1.

Subd. 2. **Public comment.** 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.

Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state and local law enforcement agency that uses or proposes to use a portable recording system must establish and enforce a written policy governing its use. In developing and adopting the policy, the law enforcement agency must provide for public comment and input as provided in subdivision 2. Use of a portable recording system without adoption of a written policy meeting the requirements of this section is prohibited. The written policy must be posted on the agency's website, if the agency has a website.

(b) At a minimum, the written policy must incorporate and require compliance with the following:

(1) the requirements of section 13.825 and other data classifications, access procedures, retention policies, and data security safeguards that, at a minimum, meet the requirements of chapter 13 and other applicable law. The policy must prohibit 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 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;

(2) 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;

(3) 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;

(4) 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 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, except as otherwise provided in this clause and clause (5):

(i) the deceased individual's next of kin;

(ii) the legal representative of the deceased individual's next of kin; and

(iii) the other parent of the deceased individual's child.

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;

(5) 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 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;

(6) procedures for testing the portable recording system to ensure adequate functioning;

(7) 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;

(8) circumstances under which recording is mandatory, prohibited, or at the discretion of the officer using the system;

(9) circumstances under which a data subject must be given notice of a recording;

(10) circumstances under which a recording may be ended while an investigation, response, or incident is ongoing;

(11) procedures for the secure storage of portable recording system data and the creation of backup copies of the data; and

(12) 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.

(c) The board has authority to inspect state and local law enforcement agency policies to ensure compliance with this section. The board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process. The board may impose licensing sanctions and seek injunctive relief under section 214.11 for an agency's or licensee's failure to comply with this section.

**History:** 2016 c 171 s 6; 2023 c 52 art 10 s 19

## Mobile Video Recorders

### 446.1 PURPOSE AND SCOPE

The Goodhue County Sheriff's Office has equipped marked patrol cars with Mobile Video Recording (MVR) systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

#### 446.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

**In-car camera system and Mobile Video Recorder (MVR)** - Synonymous terms - that refer to any system that captures audio and video signals that is capable of installation in a vehicle and that includes at minimum, a camera, microphone, recorder and monitor.

**Law Enforcement Operator (LEO)** - Primarily a licensed peace officer but on occasion may be a non-licensed representative of the Office who is authorized and assigned to operate MVR-equipped vehicles to the extent consistent with Minn. Stat. § 169.98.

**MGDPA** - The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.

**MVR technician** - Personnel certified or trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

### 446.2 DEPUTY RESPONSIBILITIES

Prior to going into service each deputy will properly equip him/herself to record audio and video in the field. At the end of the shift each deputy will follow the established procedures for providing to the Office any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment. In the event a deputy works at a remote location and reports in only periodically additional recording media may be issued. Only Goodhue County Sheriff's Office identified and labeled media with tracking numbers is to be used.

At the start of each shift, deputies should test the MVR system operation in accordance with manufacturer specifications and office operating procedures and training.

System documentation is accomplished by the deputy recording his/her name, serial number, badge, or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

## Mobile Video Recorders

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### **446.3 ACTIVATION OF THE MVR**

The MVR system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded the video will also record.

Operators are encouraged to narrate events using the audio recording so as to provide the best documentation for pretrial and courtroom presentation.

#### **446.3.1 REQUIRED ACTIVATION OF THE MVR**

This policy is not intended to describe every possible situation in which the MVR system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR. The MVR system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
  - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
  - 2. Priority responses
  - 3. Vehicle pursuits
  - 4. Suspicious vehicles
  - 5. Arrests
  - 6. Vehicle searches
  - 7. Physical or verbal confrontations or use of force
  - 8. Prisoner transports
  - 9. Non-custody transports
  - 10. Pedestrian checks
  - 11. DWI investigations including field sobriety tests
  - 12. Consensual encounters
  - 13. Crimes in progress
  - 14. Responding to an in-progress call
  - 15. Medical incidents attended to by members of the Office
- (b) All self-initiated activity in which a deputy would normally notify the Dispatch Center

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- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
  - 1. Family violence calls
  - 2. Disturbance of peace calls
  - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (e) Any other circumstance where the deputy believes that a recording of an incident would be appropriate

### 446.3.2 CESSATION OF RECORDING

Once activated the MVR system should remain on until the incident has concluded. For purposes of this section conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

### 446.3.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MVR system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this office may surreptitiously use County equipment to record a conversation of any other member of this office except with a court order or when lawfully authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

### 446.4 REVIEW OF MVR RECORDINGS

All recording media, recorded images and audio recordings are the property of the agency and subject to the provisions of the MGDPA. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required under the MGDPA, Peace Officer Disciplinary Procedures Act or other applicable law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the office MVR technician or forensic media staff. When reasonably possible a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations.

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of deputy conduct
- (c) By a supervisor to assess deputy performance
- (d) To assess proper functioning of MVR systems



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- (e) By office investigators, after approval of a supervisor, who are participating in an official investigation such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By office personnel who request to review recordings
- (g) By a deputy who is captured on or referenced in the video or audio data and reviews and uses the data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Sheriff or the authorized designee
- (i) By the media through proper process or with an MGDPA request (Minn. Stat. § 13.01 et seq.)
- (j) To assess possible training value
- (k) Recordings may be shown for staff or public safety training purposes. If an involved deputy objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the deputy's objection

Employees desiring to view any previously uploaded or archived MVR recording should submit a request in writing to the Shift Sergeant. Approved requests should be forwarded to the MVR technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

### **446.5 DOCUMENTING MVR USE**

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation on the records copy of the citation indicating that the incident was recorded.

### **446.6 RECORDING MEDIA STORAGE AND INTEGRITY**

Once submitted for storage all recording media will be labeled and stored in a designated secure area. All recording media that is not booked in as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

#### **446.6.1 COPIES OF ORIGINAL RECORDING MEDIA**

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event an original recording is released to a court a copy shall be made and placed in storage until the original is returned.

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### 446.6.2 MVR RECORDINGS AS EVIDENCE

Deputies who reasonably believe that an MVR recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the Goodhue County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

### 446.7 SYSTEM OPERATIONAL STANDARDS

- (a) MVR system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.
- (b) The MVR system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MVR system may not be configured to record audio data occurring prior to activation.
- (d) To prevent bleed-over and/or noise from other MVRs in systems using low band transmitters (analog) only the primary LEO initiating the contact shall activate his/her audio recorder.
- (e) LEOs using digital transmitters that are individually synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment other electronic devices should not be used within the law enforcement vehicle in order to intentionally interfere with the capability of the MVR system to record audio data.
- (g) LEOs shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor, MVR technician or other approved designee may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MVR technician.

### 446.8 MVR TECHNICIAN RESPONSIBILITIES

The MVR technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected the MVR technician:
  - 1. Ensures it is stored in a secured location with authorized controlled access.
  - 2. Makes appropriate entries in the chain of custody log.
- (c) Erasing of media:
  - 1. Pursuant to a court order.

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2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field.
    1. Maintaining a record of issued media.
  - (e) Ensuring that an adequate supply of recording media is available.
  - (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the office evidence storage protocols and the records retention schedule.

## Portable Audio/Video Recorders

### 509.1 PURPOSE AND SCOPE

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

#### 509.1.1 DEFINITIONS

Definitions related to this policy include:

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

### 509.2 POLICY

The Goodhue County Sheriff's Office may provide members with access to portable recorders for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office and the public.

### 509.3 MEMBER PRIVACY EXPECTATION

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

When using a portable recorder, the assigned member shall record their name, employee number, and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording. Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording (Minn. Stat. § 626.8473). Members should include the reason for deactivation.

### 509.4 MEMBERS RESPONSIBILITIES

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

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

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

### **509.5 PROCEDURE**

The following post deputies will be required to wear a BWC: Intake, Rover(s), Court, E-Unit, F-Unit, Special Management, Sergeants, ADS's working in the capacity as a Shift Commanders, and programs. If a Detention Deputy is assigned to perform hospital duty they will be assigned a BWC (for BWC activation reference 509.6). Other staff may be required to wear a BWC at the discretion of the Sergeant or Administration.

BWC camera users shall check the BWC at the start of each shift to ensure it is functioning and in good working order.

BWC camera users shall wear the BWC above the midline of their torso and/or in a position designed to produce an effective video and audio recording. If a deputy discovers at any time during their shift that the BWC is not operating properly they shall notify their supervisor.

### **509.6 ACTIVATION OF THE AUDIO/VIDEO RECORDER**

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

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

- (a) When responding to a call for assistance.
- (b) Use of force situations.
- (c) Restraint chair use.
- (d) When completing security inspections.
- (e) When completing cell inspections and/or cell searches.
- (f) When completing a well-being check and/or formal count. (not required in Intake if no detainees are present).
- (g) When completing a custodial pat search as part of the booking process.
- (h) All victim, witness, and suspect statements.

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- (i) Disciplinary sanction notices & Disciplinary hearings.
- (j) Any other situation deemed as unusual, per the user's professional judgment.

### Program Staff Only:

- (a) All the above situations, and;
- (b) When conducting site, work and/or home visits of work release detainees.
- (c) When conducting sentence to service (STS) site visits.

To respect the dignity of others, staff will try to avoid recording videos of persons who are nude or when bare human body areas are exposed. If deemed necessary to record this type of footage an incident report must be completed.

BWC users shall not use the BWC to record other staff or professionals outside of the interactions with detainees, without prior approval from the Jail Administrator or designee. The BWC shall not be used to record non-work-related personal activity and shall not be activated in places such as locker rooms, dressing rooms, or restrooms, unless the incident is in that location. Members shall not surreptitiously record another office member without a court order unless lawfully authorized by the Sheriff or the authorized designee.

### **509.6.1 CESSATION OF RECORDING**

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation.

If users fail to activate the BWC or the recording is interrupted the users shall document why the recording was not made or interrupted in an incident report. Users may verbally indicate their intent to stop the recording and/or restart the recording.

### **509.6.2 LIVE STREAMING CAPABILITY USE AND RESTRICTIONS**

The Office issued BWC's have the capability to live stream data only when the BWC is actively recording (meaning in operation by the deputy wearing the BWC and/or an auto-activation). Live streaming permissions will be set at the Sergeant level or above. Under no circumstance shall any member of the Office, no matter the rank, use the live stream capability to monitor deputy work performance, behavior, or private conversations amongst members of this office. Supervisors that use the live streaming capability shall, at the first reasonable and safe opportunity, notify the deputy or deputies that had their live streaming capability activated. The notification may be made orally or in writing. Written notification can include an email, instant message, or text message to the deputy.

### **509.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members should download, tag or mark the recordings in accordance with procedure and document the existence of the recording

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in any related incident report. BWC users shall securely upload all recordings no later than the end of their shift / following shift. Each officer using a BWC is responsible for assuring the data from his/her camera properly transferred to the designated storage.

If a deputy feels and/or confirms via review of the data, that a private conversation was captured, they have the right to contact the BWC Administrator(s) to request that the private conversation be redacted from the releasable BWC footage. The Sheriff or his designee overseeing the BWC Administrator will review the request and footage to determine if redaction is approved. The Sheriff, his designee or the BWC Administrator will contact the deputy requesting the redaction when the decision has been made.

### **509.7.1 SUPERVISOR RESPONSIBILITIES**

Will regularly review and assess staff compliance with this procedure regarding use of BWC equipment.

### **509.8 REVIEW OF RECORDED MEDIA FILES**

The BWC equipment and all data, images, video, audio and metadata captured, recorded or otherwise produced is the sole property of Goodhue County. All data is subject to the provisions of the Minnesota Government Data Practices Act (MGDPA) and is classified according to the type of data it is under MGDPA. An employee who collects data from a BWC worn by him/her or whose image or voice is captured in the data is considered to be a subject of the data. Most corrections or detention data is considered private or confidential. Dissemination outside of the Goodhue County Sheriff's Office (GCSO) is strictly prohibited except to the extent permitted or required by law. Data may be reviewed by BWC users in the following situations:

- (a) When preparing reports or statements.
- (b) By a supervisor investigating a specific incident.
- (c) By a supervisor to assess staff compliance with this procedure.
- (d) To assess proper functioning of the BWC systems.
- (e) By an GCSO investigator who is participating in an official investigation.
- (f) Staff who are captured on or referenced in the video or audio data may have access to such data in compliance with MGDPA or if otherwise permitted by law.
- (g) For individual or group training purposes, but if an involved staff member objects to the showing of the recording, his/her objection will be submitted to a supervisor to determine if the training value outweighs the staff objection for not showing the recording. In no event, shall any recoding be viewed for the purpose fo ridicule or embarrassment of any staff, detainee, or tother person shown on the recording.
- (h) By supervisory staff to assess possible training value.

All media unless otherwise determined to be of evidentiary, investigative, or training value will be retained for 90 days after which it may be destroyed in accordance with the Goodhue County

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retention schedule. Pursuant to the MGDPA, the data will be retained if requested in writing by a subject of the data.

### **509.9 COORDINATOR**

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

- (a) Establishing procedures for the security, storage, and maintenance of data and recordings.
  - 1. The coordinator should work with the Custodian of Records and the member assigned to coordinate the use, access, and release of protected information to ensure that procedures comply with requirements of the Minnesota Government Data Practices Act (MGDPA) and other applicable laws (Minn. Stat. § 13.01 et seq.) (see the Protected Information and the Records Maintenance and Release policies).
  - 2. The coordinator should work with the Custodian of Records to identify recordings that must be retained for a specific time frame under Minnesota law (e.g., taser discharges, certain use of force incidents, Disciplinary proceedings, formal complaints).
- (b) Establishing procedures for accessing data and recordings.
  - 1. These procedures should include the process to obtain written authorization for access to non-public data by GCSO members and members of other governmental entities and agencies.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging, or marking events.
- (e) Establishing an inventory of portable recorders including:
  - 1. Total number of devices owned or maintained by the Goodhue County Sheriff's Office.
  - 2. Daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used.
  - 3. Total amount of recorded audio and video data collected by the devices and maintained by the Goodhue County Sheriff's Office.
- (f) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
- (g) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Goodhue County Sheriff's Office that expands the type or scope of surveillance capabilities of the office's portable recorders.
- (h) Ensuring that this Portable Audio/Video Recorders Policy is posted on the Office website.



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## *Portable Audio/Video Recorders*

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### **509.10 PROHIBITED USE OF AUDIO/VIDEO RECORDERS**

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

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

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the ADC Administrator. Any member who uses a personally owned recorder for office-related activities shall comply with the provisions of this policy, including retention and release requirements and should notify the on-duty supervisor of such use as soon as reasonably practicable.

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

### **509.11 RETENTION OF RECORDINGS**

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

The following recordings shall be maintained longer:

- (a) Use of Force = 2190 days (6 years)
- (b) Death / suicide or attempt = permanent

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

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

#### **509.11.1 RELEASE OF AUDIO/VIDEO RECORDINGS**

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

#### **509.11.2 ACCESS TO RECORDINGS**

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

### **509.12 ACCOUNTABILITY**

Any member who accesses or releases recordings without authorization may be subject to discipline (see the Standards of Conduct and the Protected Information policies) (Minn. Stat. §626.8473).

# Goodhue County Sheriff's Office

Goodhue Cnty SO Custody Manual

## *Portable Audio/Video Recorders*

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