

## Chapter 31

### 3100 : MOBILE VIDEO RECORDERS

#### 3100.1 PURPOSE AND SCOPE

The Foley Police Department has equipped marked patrol cars with Mobile Video Recording (MVR) systems to provide records of events and assist officers in the performance of their duties.

This policy provides guidance on the use of these systems.

#### 3100.1.1 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 Department 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.

#### 3100.2 POLICY

It is the goal of the Foley Police Department to use mobile video recorder (MVR) technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

#### 3100.3 OFFICER RESPONSIBILITIES

Prior to going into service each officer will properly equip him/herself to record audio and video in the field. At the end of the shift each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. In the event an officer

works at a remote location and reports in only periodically additional recording media may be issued. Only Foley Police Department identified and labeled media is to be used.

At the start of each shift, officers should test the MVR system operation in accordance with manufacturer specifications and department operating procedures and training. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

#### **3100.4           ACTIVATION OF THE MVR**

The MVR system is designed to turn on whenever the unit's emergency lights or siren are activated or if it is manually turned on. The system remains on until it is turned off manually.

The audio portion is independently controlled and should be activated manually by the officer whenever appropriate.

When audio is being recorded the video will also record.

Operators are not encouraged to narrate events using the audio recording.

#### **3100.4.1         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. An officer may activate the system any time the officer 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. Pedestrian checks
  9. DWI investigations including field sobriety tests
  10. Crimes in progress
  11. Responding to an in-progress call
  12. Medical incidents attended to by officers of the Department

- (b) All self-initiated activity in which an officer would normally notify Dispatch
- (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 officer believes that a recording of an incident would be appropriate

#### **3100.4.2 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 an officer is simply waiting for a tow truck or a family officer to arrive, or in other similar situations.

#### **3100.4.3 WHEN ACTIVATION IS NOT REQUIRED**

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

No officer of this department may surreptitiously use City equipment to record a conversation of any other officer of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

#### **3100.4.4 SUPERVISOR RESPONSIBILITIES**

Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch if necessary.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) The operation of MVR systems by new officers is assessed and reviewed.
- (c) The use and operation of the MVR equipment as prescribed in this policy is followed.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved collisions), a supervisor may ensure that the media is properly retrieved and downloaded. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media. Copies may be distributed to investigators as appropriate to the investigation.

Supervisors may activate the MVR system remotely (if applicable) to monitor a developing situation such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event.

### **3100.5 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 (if stored on a media device other than a computer) not approved by the department MVR technician or Chief of Police. 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 officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MVR systems
- (e) By department 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 department personnel who request to review recordings
- (g) By an officer 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 Chief of Police 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 officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

Officers desiring to view any previously uploaded or archived MVR recording should submit a request in writing to the Chief of Police. Approved requests should be forwarded to the MVR technician for processing and retrieval.

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

### **3100.6 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 officer's report. If a citation is issued, the officer shall make a notation on the records copy of the citation indicating that the incident was recorded.

### **3100.7 RECORDING MEDIA STORAGE AND INTEGRITY**

If applicable, once submitted for storage, all recording media will be labeled and stored in the evidence room. 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.

#### **3100.7.1 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 Chief of Police 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.

#### **3100.7.2 MVR RECORDINGS AS EVIDENCE**

Officers who reasonably believe that an MVR recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Foley Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

### **3100.8 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 if possible.
- (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.

### **3100.9 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.
  2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Ensuring that an adequate supply of recording media is available (if applicable) or that storage space is adequate for recordings.
- (e) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

### **3100.10 TRAINING**

Users of the MVR systems and supervisors shall successfully complete an approved course of instruction prior to being deployed with MVR systems in operational settings.

## **3101 : MOBILE DIGITAL COMPUTER USE**

### **3101.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department officers and Dispatch.

### **3101.2 POLICY**

Foley Police Department officers using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

### **3101.3 PRIVACY EXPECTATION**

Officers forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

#### **3101.4 RESTRICTED ACCESS AND USE**

MDC use is subject to the Information Technology Use and Protected Information policies. Officers shall not access the MDC system if they have not received prior authorization and the required training. Officers shall immediately report unauthorized access or use of the MDC by another officer to their supervisors or Officers.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that an officer has questions about sending a particular message or accessing a particular database, the officer should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another officer's name or to use the password of another officer to log in to the MDC system unless directed to do so by a supervisor. Officers are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

##### **3101.4.1 USE WHILE DRIVING**

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### **3101.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Officer or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the Police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting. MDC and voice transmissions are used to document the officer's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the officer shall document it via the MDC.

##### **3101.5.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the Police radio or through the MDC system.

Officers responding to in-progress calls should advise changes in status over the radio to assist other officers responding to the same incident. Other changes in status can be made on the MDC while the vehicle is not in motion.

### **3101.5.2        EMERGENCY ACTIVATION**

If there is an emergency activation and the officer does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the officer. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Officers should ensure a Supervisor, if available, is notified of the incident without delay. Officers not responding to the emergency shall refrain from transmitting on the Police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

### **3101.6         EQUIPMENT CONSIDERATIONS**

#### **3101.6.1       MALFUNCTIONING MDC**

Whenever possible, officers will not use vehicles with malfunctioning MDCs. Whenever officers must drive a vehicle in which the MDC is not working, they shall notify Dispatch.

#### **3101.6.2       BOMB CALLS**

When investigating reports of possible bombs, officers should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

### **3101.0         Portable Audio/Video Recorders**

Officers are prohibited from using personally owned recording devices while on-duty without the express consent of the Chief of Police. Any officer who uses a personally owned recorder for department-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.

### **3101.10        RETENTION OF RECORDINGS**

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

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



### **3101.10.1 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.

### **3101.10.2 ACCESS TO RECORDINGS**

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

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

### **3101.11 ACCOUNTABILITY**

Any officer 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).

## **3102: Portable Audio/Video Recorders**

### **3102.1 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/videorecording devices include all recording systems whether body-worn, hand-held, or integrated into portable equipment.

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

#### **3102.1.1 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.

#### **3102.2 POLICY**

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

### **3102.2.1 RECORDINGS COORDINATOR**

The Chief or authorized designee should assign a supervisor to be the agency's Recordings Coordinator. It shall be the responsibility of the Recordings Coordinator to establish procedures for the recording, storage, security, and transfer of data for this agency's portable audio/video recording devices. The Recordings Coordinator shall be responsible for ensuring compliance with this policy.

### **3102.3 MEMBER PRIVACY EXPECTATION**

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

### **3102.4 MEMBER RESPONSIBILITIES**

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Office, and that the recorder is in good working order (Minn. Stat. § 13.825). If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable (Minn. Stat. § 626.8473).

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

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

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

### **3102.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER**

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

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

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

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording.

Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

### **3102.5.1 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. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Officers may when deemed necessary, mute the audio for the purposes of sensitive or tactical conversations with other officers, supervisors, and legal counsel.

### **3102.5.2 SURREPTITIOUS RECORDINGS**

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

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

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

### **3102.5.3 EXPLOSIVE DEVICE**

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

### **3102.6 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

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

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an under-cover officer or confidential informant.
- (g) The recording or portions of the recording may be protected under the Minnesota Data Practices Act.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

#### **3102.6.1 RETENTION REQUIREMENTS**

Portable recordings may be considered criminal investigative data subject to public disclosure (Minn. Stat. § 13.82, Subd. 7). All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule and Minn. Stat 13.825 but in no event for a period less than 180 days.

#### **3102.7 REVIEW OF RECORDED MEDIA FILES**

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

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

Recorded files may also be reviewed:

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

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

In all cases, recordings shall only be accessed for legitimate law enforcement or data administration purposes. Prior to accessing recordings, staff shall document the specific law enforcement purpose for the viewing of the recording in the Event Notes section of the Event

Details associated with the recording. Law enforcement officers from other agencies shall submit a written request for any non-public recordings. This written request must include the specific law enforcement purpose for which the recording is sought.

### **3102.8 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).

The Recordings Coordinator shall establish regular intervals at which supervisors will conduct a review of audio/video recorder data to ensure compliance with Chief's office policy and Minnesota Statutes, Chapter 13.

### **3102.9 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 Shift Sergeant. 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.

### **3102.10 INVENTORY OF PORTABLE RECORDING SYSTEM TECHNOLOGY**

The Recordings Coordinator shall ensure the following public data is available upon request:

- (1) the total number of recording devices owned or maintained by the agency;
- (2) a daily record of the total number of recording devices actually deployed and used by deputies and, if applicable, the precincts in which they were used;
- (3) the policies and procedures for use of portable recording systems required by section 626.8473; and
- (4) the total amount of recorded audio and video data collected by the portable recording system and maintained by the agency, the agency's retention schedule for the data, and the agency's procedures for destruction of the data.