

## Body-Worn Cameras, LMC Model Policy

League models are thoughtfully developed by our staff for a city's consideration. Models should be customized as appropriate for an individual city's circumstances in consultation with the city's attorney. Helpful background information on this model may be found in ["Use of Body-Worn Cameras."](#)



**This icon marks places where the city must customize the model. They offer additional provisions, optional language, or comments for your consideration. The icon, and language you do not wish to include, should be deleted from this model before use. Make other changes, as needed, to customize the model for your city.**

### City of \_\_\_\_\_, Minnesota Use of Body-Worn Cameras Policy



*Where optional provisions are offered you must choose one of the options, but choosing "option 1," for example, does not require you to choose "option 1" at every choice point.*

*Red typeface indicates that the language is included in response to a statutory mandate for guidance on that particular topic. While this language is recommended, agencies may certainly have other options for addressing mandatory policy elements. Change all typeface to black when creating your policy.*

*[Italic brackets] Text marked this way is a placeholder for agency-specific language.*

#### 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 administering the data that results. Compliance with these guidelines is mandatory, but it is recognized that officers must also attend to other primary duties and the safety of all concerned, sometimes in circumstances that are tense, uncertain, and rapidly evolving.



*The reference to tense and uncertain circumstances is derived from the U.S. Supreme Court's decision in [Graham v. Connor, 490 U.S. 386, 397 \(1989\)](#).*

#### Policy

It is the policy of this department to authorize and require the use of department-issued BWCs as set forth below, and to administer BWC data as provided by law.

#### Scope

This policy governs the use of BWCs in the course of official duties. It does not apply to the use of squad-based (dash-cam) recording systems. The chief or chief's designee may supersede this policy by providing specific instructions for BWC use to individual officers, or providing specific instructions pertaining to particular events or classes of events, including but not limited to political rallies and demonstrations. The chief or designee may also provide specific instructions or standard operating procedures for BWC use to officers assigned to specialized

details, such as carrying out duties in courts or guarding prisoners or patients in hospitals and mental health facilities.



*Members of the model policy working group expressed that the policy should: (1) allow for the issuance of special instructions on BWC use to officers deemed to be Giglio-impaired; and (2) ensure that discretion exists to override normal recording guidelines for events where BWC use might be perceived as a form of political or viewpoint-based surveillance. In addition, members identified a concern that the “general” guidelines for BWC use could be poorly suited to the activities performed by court bailiffs, and that agencies should therefore have express authority to depart from them for special assignments and duties.*

## Definitions

The following phrases and words have special meanings as used in this policy:

A. **MGDPA or Data Practices Act** refers to the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq.

B. **Records Retention Schedule** refers to the General Records Retention Schedule for Minnesota Cities.



*County agencies will need to modify the policy to meet their own record retention schedule.*

C. **Law enforcement-related information** means 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.

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



*“[R]elated civil or administrative proceeding” refers, for example, to implied consent or forfeiture actions arising from an encounter or arrest. The working group sought to clarify that the policy does not obligate officers to collect BWC data solely for use in third-party tort litigation.*

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

F. **Adversarial** means a law enforcement encounter with a person that becomes confrontational, during which at least one person expresses anger, resentment, or hostility toward the other, or at least one person directs toward the other verbal conduct consisting of arguing, threatening, challenging, swearing, yelling, or shouting. Encounters in which

a citizen demands to be recorded or initiates recording on his or her own are deemed adversarial.



*This definition is used to identify conflict situations, since they may evolve into more consequential matters or give rise to complaints against officers. Later provisions in this policy require officers to record adversarial encounters. Some working group members disfavored the term “adversarial,” and agencies may wish to consider other terminology better suited to their communities.*

- G. **Unintentionally recorded footage** is a video recording that results from an officer’s inadvertence or neglect 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.
- 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.

## Use and Documentation

- A. Officers may use only department-issued BWCs in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this department.
- B. Officers who have been issued BWCs shall operate and use them consistent with this policy. Officers shall conduct a function test of their issued BWCs at the beginning of each shift to make sure the devices are operating properly. Officers noting a malfunction during testing or at any other time shall promptly report the malfunction to the officer’s supervisor and shall document the report in writing. Supervisors shall take prompt action to address malfunctions and document the steps taken in writing.



*Under Minn. Stat. § 626.8473, subd. 3(b)(2)-(3), policies must contain procedures for identifying and addressing malfunctions, including procedures for officers to test the functioning of their equipment. The actual steps to be used for function testing will likely vary based on the systems and technologies in place. Agencies should consider incorporating device-specific protocols for function testing into this policy. Satisfactory documentation of malfunctions and steps taken to address them could include emails, notes, or memoranda that the agency maintains as part of its BWC program records.*

- C. Officers should wear their issued BWCs at the location on their body and in the manner specified in training.
- D. Officers must document BWC use and non-use as follows:



*Agencies may need to conform the requirements and terminology of parts D (1) and (2) to their records management system or existing business practices. These provisions are recommended to assure that agencies document and maintain information about: (1)*

*recordings, so that existing ones can be located, linked to a particular event, and disclosed by the prosecution as may be required by criminal discovery obligations; and (2) instances of non-recording, when it would be reasonable to expect BWC footage to exist in the circumstances.*

1. Whenever an officer makes a recording, the existence of the recording shall be documented in an incident report or *[CAD record/other documentation of the event]*.
  2. Whenever an officer fails to record an activity that is required to be recorded under this policy, or fails to record for the entire duration of the activity, the officer must document the circumstances and reasons for not recording in an incident report or *[CAD record/other documentation of the event]*. Supervisors shall review these reports and initiate any corrective action deemed necessary.
- E. The department 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 and, if applicable, the precincts in which they were used;
  3. The total amount of recorded BWC data collected and maintained; and
  4. This policy, together with the Records Retention Schedule.

## General Guidelines for Recording

**Choose one:**

- A. **[Option 1]** 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, *Terry* stops of motorists or pedestrians, arrests, searches, suspect interviews and interrogations, and during any police/citizen contacts that becomes adversarial. However, officers need not activate their cameras when it would be unsafe, impossible, or impractical to do so, but such instances of not recording when otherwise required must be documented as specified in the Use and Documentation guidelines, part (D)(2) (above).



*See LMC Information Memo, “[Use of Body-Worn Cameras](#),” Section IV, Deciding what to record. Option 1 requires the recording of all responses to calls for service and law enforcement-related activities.*

**Or,**

- A. **[Option 2]** Officers shall activate their BWCs when anticipating that they will be involved in, become involved in, or witness other officers of this agency involved in a pursuit, *Terry* stop of a motorist or pedestrian, search, seizure, arrest, use of force, adversarial contact, and during other activities likely to yield information having

evidentiary value. However, officers need not activate their cameras when it would be unsafe, impossible, or impractical to do so, but such instances of not recording when otherwise required must be documented as specified in the Use and Documentation guidelines, part (D)(2) (above).

 *Option 2 more narrowly defines the class of events to be recorded. As compared with Option 1, this language: (1) eliminates the requirement of recording all responses to calls for service; (2) continues to require the recording of contacts and events having constitutional dimensions and those likely to result in complaints against officers and agencies; and (3) leaves it to officers to identify other circumstances “likely to yield information having evidentiary value.”*

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

**C. Officers have no affirmative duty to inform people that a BWC is being operated or that the individuals are being recorded.**

 *Some commentators and researchers suggest that an announcement that BWCs are being used may reduce conflict between officers and others, and advocate in favor of a requirement to tell people they are being recorded. However, the working group believed that an announcement requirement would distract officers from their duties and could become a debating point during tense enforcement encounters.*

**D. 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. The officer having charge of a scene shall likewise direct the discontinuance of recording when further recording is unlikely to capture additional information having evidentiary value. If the recording is discontinued while an investigation, response, or incident is ongoing, officers shall state the reasons for ceasing the recording on camera before deactivating their BWC. If circumstances change, officers shall reactivate their cameras as required by this policy to capture information having evidentiary value.**

 *A statement on 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.*

**E. Officers shall not intentionally block the BWC’s audio or visual recording functionality to defeat the purposes of this policy.**

 *This provision is to be read in conjunction with the statement of “Purpose” set forth above: “The primary purpose of using BWCs is to capture evidence arising from police-citizen encounters.” The working group considered a variety of scenarios in which it would be appropriate for officers to block the recording functionality of their BWCs, such as to avoid capturing irrelevant images of an undressed bystander within a private home; images of a mobile computer screen displaying private or confidential data; or audio of officers conferring about a tactical situation. Momentary blocking may be administratively preferable to turning the camera off and back on, since doing so would result in multiple data files that would each need to be processed and administered.*

- F. Notwithstanding any other provision in 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 meal breaks, or during other private conversations, unless recording is authorized as part of an administrative or criminal investigation.

## Special Guidelines for Recording

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

- A. 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.



*This provision is included to ensure that officers are clearly vested with discretion to use their BWCs to capture information having evidentiary value.*

- B. To use their BWCs to take recorded statements from persons believed to be victims of and witnesses to crimes, and persons suspected of committing crimes, considering the needs of the investigation and the circumstances pertaining to the victim, witness, or suspect.

In addition,

- 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 shall be activated as necessary to document any use of force and the basis for it, and any other information having evidentiary value, but need not be activated when doing so would serve only to record symptoms or behaviors believed to be attributable to the mental health issue.



*The language in parts B and C is for use with Option 2 under General guidelines for recording. This language is unnecessary and confusing for agencies choosing Option 1, since Option 1 already requires the recording of all responses to calls for service and all law enforcement-related encounters and activities.*

- D. Officers *[shall]* *[should]* use their *[BWCs]* *[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.



*Agencies should consider recording all transports of persons in custody as a safeguard against liability and to document any incriminating statements. The best means of accomplishing this may depend on the technologies the agency is using. While squad-based audio/video systems with rear-facing cameras may be better suited for recording a prisoner's behavior during transport, the officer's BWC may capture more of the*

*officer's interaction with the prisoner at the time he or she is removed from the car and transferred to the custody of another.*

## Downloading 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 *[specify data storage location]* 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 the officer's BWC and assume responsibility for transferring the data from it.



*Agencies will need to conform this language to their own technologies and business practices. The central idea is that the responsibility for handling daily transfers of routine BWC data rests with the individual officer unless the process is automated. However, when the officer is involved in a significant event that will result in the agency immediately initiating an investigation, then someone else (an appropriate supervisor or investigator) should take custody of the involved officer's BWC and take care of transferring the data. Doing so will safeguard the integrity of the evidence and protect the officer against allegations of mishandling evidence.*

- B. Officers shall label the BWC data files at the time of capture or transfer to storage, and should consult with a supervisor if in doubt as to the appropriate labeling. *[Include any technology-specific instructions for this process; if metadata is not being stored, then the information could be documented in a video log or other record.]* Officers should assign as many of the following labels as are applicable to each file:



*See Section V-A, Labeling data for retention purposes, in Information Memo, "[Use of Body-Worn Cameras](#)."*

1. **Evidence—criminal:** The information has evidentiary value with respect to an actual or suspected criminal incident or charging decision.



*The Records Retention Schedule for Minnesota Cities provides that retention periods for cases that have been charged are based on the status of court proceedings. (Code POL 05840.) The retention requirements for evidence pertaining to uncharged offenses are ambiguous. Audio and video recordings of interviews must be preserved until the statute of limitations for the uncharged offense expires. (POL 05900.) Other recordings relating to uncharged offenses must be retained for seven years, or permanently in the case of death investigations. (POL 03300 for adult offenses; POL 03400 for juvenile offenses; POL 05870 for death investigations.) Counties will need to consult their own records retention schedule for guidance.*

2. **Evidence—force:** Whether or not enforcement action was taken, or an arrest resulted, the event involved the application of force by an officer of this agency of sufficient degree or under circumstances triggering a requirement for supervisory review.



*These recordings must be maintained for seven years regardless of the disposition of any related criminal case. (Code POL 05930.) Some working group members expressed a desire for use of a term different than “force” to describe this category. Agencies are free to adopt other terminology as they deem appropriate. Counties will need to consult their own records retention schedule for guidance.*

3. **Evidence—property:** Whether or not enforcement action was taken, or an arrest resulted, an officer seized property from an individual or directed an individual to dispossess property.



*Evidence/property logs are subject to a one-year minimal retention period. (Code POL 03740.) Counties will need to consult their own records retention schedule for guidance.*

4. **Evidence—administrative:** The incident involved an adversarial encounter or resulted in a complaint against the officer.



*The definition of “adversarial encounter” is intended to trigger the recording of interactions thought likely to result in complaints against an officer or the agency. Video that turns out to have evidentiary value in any internal investigation must be retained until five years after the subject employee separates from employment. (POL 05880.) A shorter retention period may be utilized if no complaint or investigation arises from the encounter. Counties will need to consult their own records retention schedule for guidance.*

5. **Evidence—other:** The recording has potential evidentiary value for reasons identified by the officer at the time of labeling.



*Retention will depend on the reason stated for maintaining the data. Counties will need to consult their own records retention schedule for guidance.*

6. **Training:** The event was such that it may have value for training.



*No minimal retention period exists. Counties will need to consult their own records retention schedule for guidance.*

7. **Not evidence:** The recording does not contain any of the foregoing categories of information and has no apparent evidentiary value. Recordings of general citizen contacts and unintentionally recorded footage are not evidence.



*Data not identified as having evidentiary value is subject to a 90-day retention period under Minn. Stat. § 13.825, subd. 3(a). (POL 05864)*

- C. In addition, officers shall flag each file as appropriate to indicate that it contains information about data subjects who may have rights under the MGDPA limiting disclosure of information about them. These individuals include:



*This provision assumes that the software being utilized will allow flagging. See Section V-B, Data access issues and flagging, in LMC Information Memo, “[Use of Body-Worn Cameras](#).”*

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

### **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:

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.



*The Minnesota Commissioner of Administration has noted that the Legislature provided no definitions or guidelines in the law as to what constitutes data that document a weapon discharge. Accordingly, law enforcement agencies have discretion to determine how much footage from before and after the actual weapon discharge must be classified as public and released upon request under Minn. Stat. § 13.825, subd. 2(1) (2018). See Advisory Op’n 19-005.*

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 [*if practicable*]. In addition, any data on undercover officers must be redacted.



*The “if practicable” language is noted as optional but not recommended because two sections of the law are in disagreement as to the privacy protections given to data subjects who have not consented to the release of data about themselves. Minn. Stat. §13.825, subd. 2(a)(2) provides that when a data subject requests that data be made available to the public, the agency must first, “if practicable,” redact data on all other non-officer subjects who have not consented to the public release. However, under subdivision 4(b) of the same statute, there is no “if practicable” qualification on the obligation to redact data on non-consenting data subjects when providing a requestor with a copy of the data. For*

*the sake of affording consistent protection to non-consenting data subjects, agencies may wish to redact information about them in all cases.*

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

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 responsible authority/data practices designee]*, who shall process the request in accordance with the MGDPA and other governing laws. In particular:

1. An individual shall be provided with access and 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.
2. Unless the data is part of an active investigation, an individual data subject shall be provided with a copy of the recording upon request, but subject to the following guidelines on redaction:
  - a. Data on other individuals in the recording who do not consent to the release must be redacted.  
 *See above note at section D(3) on public data.*
  - 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 department's BWC data except for legitimate law enforcement or data administration purposes:

**Choose one:**

1. **[Option 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.



*See Information Memo, “[Use of Body-Worn Cameras](#)”, Section V-C, Officer access to video and critical incidents; Information Memo, “[Planning for Critical Incident Responses](#)”, Section VI-D, Officer interviews: review and use of digital evidence.*

**Or,**

1. **[Option 2]** 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. Except as provided in the critical incident response policy, 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.



*See, Information Memo, “[Planning for Critical Incident Responses](#)”, Section VI-D, Officer interviews: review and use of digital evidence.*

2. Agency personnel shall document their reasons for accessing stored BWC data *[in the manner provided within the database] [or, specify manner of documentation]* 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.
3. 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.

**G. Other authorized disclosures of data.** 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 individual identities that are not public. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio but not displaying video. In addition,

1. 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.
2. BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.



*The documentation requirements in parts F(2) and G(1) are intended to foster accountability with regard to the limitations on access to and dissemination of BWC data applicable to law enforcement employees and to aid the agency in achieving favorable audit results.*

## Data Security Safeguards

A. *[Specify data security safeguards to be used in your agency and in connection with the particular BWC technologies being employed, including any procedures for making backup copies of the data.]*

**Choose one:**

B. **[Option 1]** Personally owned devices, including but not limited to computers and mobile devices, shall not be programmed or used to access or view agency BWC data.

**Or,**

B. **[Option 2]** Access to BWC data from city or personally owned and approved devices shall be managed in accordance with established city policy.

C. Officers shall not intentionally edit, alter, or erase any BWC recording unless otherwise expressly authorized by the chief or the chief's designee.

D. As required by Minn. Stat. § 13.825, subd. 9, as may be amended from time to time, this agency shall obtain an independent biennial audit of its BWC program.

## Agency Use of Data

A. At least once a month, supervisors will randomly review BWC usage by each officer to whom a BWC is issued or available for use, to ensure compliance with this policy *[and to identify any performance areas in which additional training or guidance is required.]*



*See Information Memo, "[Use of Body-Worn Cameras](#)", Section V-D, Supervisory review, for policy considerations pertaining to supervisory review of data for performance assessment.*

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.



*This language is based on the Peace Officer Discipline Procedures Act, [Minn. Stat. § 626.89, subd. 10.](#)*

- 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.**

## Data Retention

- A. All BWC data shall be retained for a minimum period of 90 days. There are no exceptions for erroneously recorded or non-evidentiary data.
- B. 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, must be maintained for a minimum period of one year.
- C. Certain kinds of BWC data must be retained for six years:
  - 1. Data that documents the use of deadly force by a peace officer, or force of a sufficient type or degree to require a use of force report or supervisory review.
  - 2. Data documenting circumstances that have given rise to a formal complaint against an officer.



*Minn. Stat. § 13.825, subd. 3(b) provides for the data referenced in Parts C(1) and C(2) to be maintained for a minimum of one year and then destroyed according to the agency's retention schedule. However, the General Records Retention Schedule for Minnesota Cities establishes six-year retention periods for force incidents where a supervisory review is completed (Code POL 05929), and also for data that has evidentiary value in any internal investigation. (Code POL 05880.) Counties will need to consult their own records retention schedule for guidance.*

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



*County agencies will need to consult their own records retention schedule for guidance.*

- E. Subject to Part F (below), all other BWC footage that is classified as non-evidentiary, becomes classified as non-evidentiary, or is not maintained for training shall be destroyed after 90 days.
- F. Upon written request by a 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.
- G. The department shall maintain an inventory of BWC recordings having evidentiary value.



The [General Records Retention Schedule for Minnesota Cities](#) indicates that agencies shall permanently maintain an inventory of evidentiary audio and video recordings. (POL 05810.) Counties will need to consult their own records retention schedule for guidance.

- H. The department will post this policy, together with *[a link to]* its Records Retention Schedule, on its website.

## 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.