

Jordan Police Department

Policy

421

Portable Recording Systems

421.1 DEFINITIONS

421.1.1 “Activation” and “Activating” mean any process that causes the Portable Recording System to transmit or record Data. Activation of Portable Recording Systems is done manually.

421.1.2 “Arrest Data” means audio and/or video recordings of a Member’s activities and/or interactions with others that may lead to a citation, arrest, incarceration or the substantial deprivation of an adult of liberty.

421.1.3 “Authorized Personnel” means Department personnel, other than a Member, designated by the Chief of Police to manage the Data. Such management includes storage, inventory, retention, duplication, redaction and lawful destruction of Data required by law and the Data retention procedures set forth herein.

421.1.4 “Classify” means to categorize Data for which a predetermined retention period has been set.

421.1.5 “Communications Center” means the Scott County dispatch.

421.1.6 “Computer Aided Dispatch” means the mobile software link to the Communications Center.

421.1.7 “Confidential Data” means Not Public Data classified as confidential by statute or federal law and is inaccessible to the individual, including, but not limited to, Criminal Investigation Data as it relates to individuals therein until the investigation becomes inactive. The Department may make Confidential Data assessable to any person, agency, or the public if the Department determines that the access will aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest.

421.1.8 “Criminal Investigation Data” means audio and/or video recordings of a Member’s activities and/or interactions with others in order to prepare a case regarding the commission of a crime or other offense where the Department has primary investigative responsibility. Active Criminal Investigation Data is Confidential Data or Protected Non-Public Data. Inactive Criminal Investigation Data is generally Public Data unless it is clearly offensive, in which scenario the Inactive Criminal Data is Private Data or Non-Public Data. “Criminal Investigation Data” shall not include lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes, which data is governed by **Investigation and Prosecution Policy (Policy 600)**.

421.1.9 “Critical Data” means audio and/or video recordings of a Member’s activities and/or interactions with others that involve any of the following situations:

- The use of Deadly Force by or against a Member of the Department;
- Death or Great Bodily Harm to a Member of the Department;
- Death or Great Bodily Harm to a person who is in the custody or control of a Member of the Department; and
- Any action by a Member of the Department that causes or is intended to cause Death or Great Bodily Harm.

421.1.10 “Data” means audio or video Public and Not Public Data, including a Pre-Incident Recording (if applicable), collected by a Portable Recording System, including but not limited to Arrest Data, Incident Data, Criminal Investigation Data, Critical Data, Significant Data, Private Data, Confidential Data, Non-Public Data, and Protected Non-Public Data.

421.1.11 “Deadly Force”, as defined by Minn. Stat. §609.066, means “[f]orce which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm other than a firearm loaded with less-lethal munitions and used by a Member within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.”

421.1.12 “Department” means the Jordan Police Department.

421.1.13 “Great Bodily Harm” means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm.

421.1.14 “Incident Data” means audio and/or video recordings of a Member’s activities and/or interactions with others taken by the Department’s own initiative.

421.1.15 “Member” means a sworn peace officer for the Department regardless of rank, including the Department’s Chief of the Police.

421.1.16 “MGDPA” means the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.

421.1.17 “Non-Public Data” means data classified as non-public by statute or federal law but is accessible to the subject, including clearly offensive Criminal Investigation Data as it relates to subject therein once the investigation becomes inactive. The Department may make Non-Public Data assessable to any person, agency, or the public if the Department determines that the access will aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest.

421.1.18 “Not Public Data” means Private Data, Confidential Data, Non-Public Data, Protected Non-Public Data, and active Criminal Investigation Data, and any portion of Arrest

Data, Incident Data, not identified as public pursuant to Minn. Stat. § 13.82 and Significant Data to the extent that it falls within the definition of Private Data, Confidential Data, Non-Public Data, Protected Non-Public Data, and active Criminal Investigation Data.

421.1.19 “Portable Recording System” means a device, including, but not limited to, all recording systems whether body-worn, hand held or integrated into portable equipment 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. In-car camera audio and video systems are specifically excluded by this policy as they are addressed in the **Mobile Video Recorder Policy (Policy 419)**.

421.1.20 “Pre-Incident Recording” means video stored by the Portable Recording System prior to Activation. This is a configurable feature of some Portable Recording Systems and is preset to record video prior to Activation. The Pre-Incident Recording is included as part of the incident and is viewable during playback.

421.1.21 “Private Data” means data classified as private by statute or federal law, but is accessible to the individual, including clearly offensive Criminal Investigation Data as it relates to the individual therein once the investigation becomes inactive.

421.1.22 “Protected Non-Public Data” means data classified as protected non-public by statute or federal law and is inaccessible to the subject, including Criminal Investigation Data as it relates to the subject therein until the investigation becomes inactive.

421.1.23 “Public Data” means all Data, including but not limited to Arrest Data, Incident Data, inactive Criminal Investigation Data, Critical Data, and Significant Data, that is not considered Not Public Data.

421.1.24 “Redact” means to blur video or distort audio so that the identity of the individual/subject in a recording is obscured sufficiently to render the individual/subject unidentifiable.

421.1.25 “Significant Data” means audio and/or video recordings of a Member’s activities and/or interactions that the Member believes the recording to be of evidentiary or administrative value.

421.1.26 “Supervisor” means any rank of sergeant or higher held by a Member.

421.2 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the use and management of Portable Recording Systems and the storage, inventory, retention, duplication, redaction, and destruction of Data collected by Members while in the performance of their duties.

421.3 POLICY

The Department may provide Members with access to Portable Recording Systems for use during the performance of their duties. The use of a Portable Recording System is intended to more effectively fulfill the Department's mission by accurately capturing contacts between Members and the public, and assist Members in the performance of their duties. This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes, or in-car camera audio and video systems that is covered elsewhere (*see Investigation and Prosecution Policy (Policy 600), Mobile Video Recorders (Policy 419)* and Minn. Stat. § 626A.02).

This policy shall be reviewed as necessary, with any appropriate changes occurring as a result of input received.

421.4 MEMBER PRIVACY EXPECTATION

Members are prohibited from using personally owned recording devices while on-duty to document the Member's Department-related activities.

All Data recorded by Members acting in an official capacity shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the Data.

421.5 TRAINING

421.5.1 **Members:** Prior to a Member being issued a Portable Recording System or permitted access to stored Data, the Member shall receive training associated with: (1) this policy, (2) the use and management of Portable Recording Systems, (3) how to Classify Data, and (4) the procedures to access, store and retrieve Data.

421.5.2 **Authorized Personnel:** Prior to Authorized Personnel being permitted access to Data, Authorized Personnel shall receive training associated with: (1) this policy, (2) the use and management of Portable Recording Systems, (3) how the Members are to Classify Data, (4) the procedures to access, store and retrieve Data, (5) the retention of Data, (6) the duplication and redaction of Data, and/or (7) the destruction of Data. The training shall be provided by the Department's Chief of Police or his/her designee.

421.6 MEMBER RESPONSIBILITIES & PROHIBITED USES

421.6.1 **Responsibilities:** Portable Recording Systems may be issued by the Department's Chief of Police or his/her designee, to Members who are issued to either a uniformed or non-uniformed position. All Members who are issued a body worn Portable Recording System shall wear it during their shift. All Members shall use the issued Portable Recording System in accordance with the training received and this policy.

421.6.1.1 *Placement:* Uniformed Members should wear the Portable Recording System in a conspicuous manner when in use or otherwise notify persons that they are

being recorded, whenever possible. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed Members should wear the Portable Recording System in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever possible.

421.6.1.2 *Equipment check:* Prior to starting a shift, each Member of the Department that has been issued a Portable Recording Device will be responsible for making sure that his/her Portable Recording Device has sufficient battery life for the duration of his/her shift and is in good working order. If the Member has reason to believe that his/her Portable Recording Device is not in working order or malfunctions at any time, he/she shall promptly report the failure to his/her Supervisor and obtain a functioning Portable Recording Device as soon as practicable. All malfunctions and failures of the Portable Recording Device shall be documented by the Members at the time of the malfunction or failure.

421.6.1.3 *Activation of the Portable Recording System:* This policy is not intended to describe every possible incident in which the Portable Recording System should be used, although there are many incidents where its use is appropriate. Members should Activate the Portable Recording System any time the Member believes it would be appropriate for collecting Arrest Data, Criminal Investigation Data, Critical Data, Incident Data, and Significant Data and the Member deems it safe to do so, including but not limited to any of the following incidents (potential data classification in ()):

- a. All enforcement and investigative contacts including stops and field interview (FI) situations (ICR no charges – contact only);
- b. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops (ICR no charges – contact only; Traffic Contact – No Warn/Cite/; Traffic Stop – Issued Cite/Warn/Report);
- c. Self-initiated activity in which a Member would normally notify the Communications Center (Criminal Case; DWIX; Response to Resistance; Follow-up (unsuccessful); ICR no charges – contact only; Officer Injury; Traffic Contact – No Warn/Cite/; Traffic Stop – Issued Cite/Warn/Report; Warrant Arrest Only);
- d. Vehicle pursuits (Criminal Case);
- e. Suspicious person and/or vehicles (ICR no charges – contact only; Traffic Contact – No Warn/Cite/; Traffic Stop – Issued Cite/Warn/Report; Warrant Arrest Only);
- f. Any search, including but not limited to searches of vehicles, persons, and buildings (Criminal Case; DWIX; ICR no charges – contact only; Traffic Contact – No Warn/Cite/; Traffic Stop – Issued Cite/Warn/Report; Warrant Arrest Only);

- g. Any contact involving criminal activity (Criminal Case; DWIX; Response to Resistance);
- h. Physical or verbal confrontations or use of force (Criminal Case; DWIX; Officer Injury; Response to Resistance; Traffic Contact – No Warn/Cite/; Traffic Stop – Issued Cite/Warn/Report);
- i. Prisoner transports (Criminal Case; DWIX; Response to Resistance; Warrant Arrest Only);
- j. Non-custody transports (ICR no charges – contact only);
- k. DWI investigations including field sobriety tests (Criminal Case; DWIX; Response to Resistance);
- l. When responding to family violence calls (Criminal Case; ICR no charges – contact only);
- m. When responding to disturbance of peace calls (Criminal Case; ICR no charges – contact only);
- n. When responding to an incident believed to involve violence or weapons (Criminal Case; ICR no charges – contact only);
- o. When ordered to by a Supervisor (Criminal Case; DWIX; Follow-up (unsuccessful); ICR no charges – contact only; Officer Injury; Response to Resistance; Traffic Contact – No Warn/Cite/; Traffic Stop – Issued Cite/Warn/Report; Warrant Arrest Only);
- p. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording (Criminal Case; DWIX; ICR no charges – contact only; Officer Injury; Response to Resistance; Traffic Contact – No Warn/Cite/; Traffic Stop – Issued Cite/Warn/Report; Warrant Arrest Only);
- q. Prior to any use of force - if a Portable Recording System is not activated prior to a use of force, it shall be activated as soon as it is safe to do so (Criminal Case; DWIX; Officer Injury; Response to Resistance; Traffic Contact – No Warn/Cite/; Traffic Stop – Issued Cite/Warn/Report; Warrant Arrest Only);
- r. When responding to a potential act of terrorism (Criminal Case;);
- s. Squad accident (Criminal Case; DWIX; ICR no charges – contact only; Officer Injury); and
- t. Any tactical entry or forced entry into a building, unless a Supervisor has determined in advance that the video or audio data could result in the disclosure

of operational or tactical information that would compromise the effectiveness of future actions or jeopardize Member safety (Criminal Case; ICR no charges – contact only).

421.6.1.4 *Discretionary Activation:* Members have the discretion to Activate their Portable Recording System in any contact with the general public where the Member feels that recording is appropriate to preserve audio/visual data.

421.6.1.5 *Failure to Activate:* If there is a failure to Activate the Portable Recording System in any of the situations identified in 421.6.1.3, the Member shall document the reasons for the failure in the Member's report or supplement associated with the incident. If a report is not prepared, the reasons for the failure to activate the Portable Recording System in any of the situations identified in 421.6.1.3 shall be documented via added remarks in the Computer Aided Dispatch.

421.6.1.6 *Sensitivity to privacy:* 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 Member determines that the situation no longer fits the criteria for Activation.

421.6.1.7 *Safety:* At no time is a Member expected to jeopardize his/her safety in order to activate a Portable Recording System or change the recording media. However, the Portable Recording System should be activated as soon as practicable once the Member determines that his/her safety is no longer in jeopardy and he/she determines the situation fits the criteria for Activation pursuant to this policy.

421.6.1.8 *Cessation of recording:* Once Activated, the Portable Recording System should remain on continuously until the Member's direct participation in the incident, detention or transport 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. Members may deactivate their Portable Recording System during activities such as:

- a. While protecting accident scenes;
- b. Monitoring assigned traffic posts;
- c. Assisting motorists;
- d. To protect the identity of a Member in an undercover capacity;
- e. To protect the identify of a confidential reliable informant;

- f. The incident or event is of such duration that it is necessary to deactivate the Portable Recording System to conserve power or storage;
- g. If necessary to discuss issues surrounding the incident/investigation with a Supervisor or another Member in private;
- h. As part of training operations; and
- i. When ordered to by a Supervisor (both the Member and the Supervisor shall document the reason for the deactivation).

421.6.1.9 *Data Storage:* Members shall classify recorded events as appropriate for retention purposes based on the options available through the available software. At the end of their shift or at any time the storage capacity is nearing its limit, whichever occurs first, Members shall place their Portable Recording System into a docking station in order to allow the Data to be transferred from the Portable Recording System through the docking station to the storage server. The Data is considered impounded at this point and the Portable Recording System is cleared of existing Data. Members shall record/input the classification of the Data and any case number associated with the Data.

421.6.1.10 *Reports:* When preparing written reports, Members should review their recordings as a resource. Members should document the existence of a recording in any report or other official record of the contact, including any instance where the Portable Recording System malfunctioned or the Member deactivated the Portable Recording System. Members should include the reason for deactivation. Members should not use the fact that a recording was made as a reason to write a less detailed report. A video statement is not a replacement for a written or audio tape recorded statement.

421.6.1.11 *Citations:* If a citation is issued, the Member should make a notation on the citation indicating that all or part of the incident was recorded.

421.6.1.12 *Data Retrieval:* Members and the Department's Chief of Police are authorized to review Data that is stored by the Department pursuant to this policy for purposes to performing their duties, including the following:

421.6.1.12.1 The Department's Chief of Police or his/her designee is authorized to review relevant Data, including, but not limited to, whenever such Data would be beneficial in reviewing a Member's performance.

421.6.1.12.2 Any Member may review relevant Data for a legitimate, specified law enforcement purpose, including the following:

- a. Preparing reports or statements;
- b. Review for court preparation;

- c. Where the Member was captured on or referenced in the Data and the Member uses the Data for any purpose relating to any legitimate law enforcement purpose;
- e. To assess proper functioning of the Portable Recording System;
- f. To determine applicable City Ordinance violations for subsequent actions;
- g. Participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation; and
- h. To assess possible training value.

421.6.2 **Prohibited Use of a Portable Recording System:** Members are prohibited to use a Portable Recording System in a manner that violates state or federal law, or in a manner inconsistent with this policy.

421.6.2.1 *Explosive device:* Many Portable Recording Systems, 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 the Member believes that an explosive device may be present.

421.6.2.2 *Personal use:* Members are prohibited from using department-issued Portable Recording Systems for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

421.6.2.3 *Fellow members and employees:* Members shall not record interactions solely with or among other Department employees without a court order except in circumstances for which Activation is authorized by this policy. Members shall not share Data with any other Member or the general public unless it is required in the performance of their official duties and consistent with state and federal law.

421.6.2.4 *Court room:* There shall be no audio or video recordings made in any court of law, unless specifically authorized by the judge.

421.6.2.5 *Retention/duplication of recordings:* Members are prohibited from retaining recordings of incidents or information obtained while on-duty. Members shall not duplicate or distribute such recordings, except for authorized legitimate Department business purposes. All such recordings shall be retained at the Department.

421.6.2.6 *Disabling Portable Recording Systems:* Disabling a Portable Recording System, intentionally interfering with audio or video recording capabilities, and altering, duplicating, deleting or destroying Portable Recording System recordings are prohibited, except by an Authorized Personnel, specifically designated by the Department's Chief of Police, in accordance with and within the scope of this policy and record retention laws.

421.6.2.7 *Working for another law enforcement agency:* Members are prohibited from using a Department issued Portable Recording System while working for another law enforcement agency.

421.6.2.8 *Harassment:* Recordings shall not be used by any Member for the purpose of embarrassment, intimidation or ridicule.

421.7 AUTHORIZED PERSONAL RESPONSIBILITIES & PROHIBITED USES

421.7.1 **Responsibilities:** All Authorized Personnel provided access to Data shall access, retain, retrieve, duplicate, Redact, and destroy the Data in accordance with the training received and this policy.

421.7.1.1 *Accessing Data:* All Data is the property of the Department and original recordings shall remain in the sole custody of the Department, unless necessary for the preparation of civil, criminal or administrative matters, used in court as evidence, provided to an expert for analysis, provided to another law enforcement agency in the scope of their investigation, if required to be provide to another by lawful order, or as may otherwise be required by the MGDPA or other applicable law. Data may be accessed by Authorized Personnel provided the access is in the course and scope of that person's job duties.

Data may only be replayed or displayed for training purposes with the approval of the Department's Chief of Police.

Data relating to accesses of Data will be retained in accordance with the retention schedule for the Data that was accessed.

421.7.1.2 *Data Retention:* Data shall be stored and backed up in a storage system designated and approved by the Department. Data shall be retained based on the records management retention schedule set forth below, or the time frame required by statute, if any, whichever is longer.

<u>Category</u>	<u>Retention Period</u>
Uncategorized	180 days
Criminal Case	3 years
DWIX	3 years
Follow-up (Unsuccessful)	180 days
ICR No Charge – contact only	180 days
No Intent Video	Until manually deleted
Officer Injury	Until manually deleted
Pending Review	Until manually deleted

PERM Record	Until manually deleted
Response to Resistance	3 years
Restricted IA	3 years
Traffic Contact – No Warn/Cite/	180 days
Traffic Stop – Issued Cite/Warn/Report	3 years
Warrant Arrest Only	1 year

The Department shall retain Data beyond the stated retention period under the following circumstances:

- a. The Department may retain Data as long as reasonably necessary for possible evidentiary or exculpatory use related to the incident with respect to which the Data were collected; and
- b. The individual or subject of the Data submits a written request to the Department during the applicable retention period for the retention of the Data beyond the applicable retention period for possible evidentiary or exculpatory use related to the circumstances under which the Data was collected, in which case the Department shall retain the Data for an additional 180 days. The Department shall provide written notice to the requesting individual or subject that the Department will destroy the Data after the 180 day period unless a new request is made within the extended retention period for an additional 180 day period.

421.7.1.3 *Data Retrieval/Review:* All recordings are the property of the Department and subject to the provisions of the MGDPA. Dissemination outside of the Department is strictly prohibited except to the extent permitted or required under the MGDPA, Peace Officer Disciplinary Procedures Act (Minn. Stat. § 626.89), other applicable law, or this policy.

421.7.1.3.1 Any of the following situations will constitute basis for review or retrieval of Data:

- a. The Department’s Police Chief and Members may review Data pursuant to 421.6.1.12;
- b. By court and prosecutorial personnel and other law enforcement agencies through lawful process or with the permission of the Chief of Police for purposes of reviewing evidence in a related case;
- c. By media personnel through a valid MGDPA request; and
- d. In compliance with the MGDPA request, if permitted or required by the Act, and in accordance with the **Records Release and Security Policy (Policy 803)**.

421.7.1.3.2 Data review requests shall be submitted based on the following procedure:

- a. Other law enforcement agencies, court and prosecutorial personnel: the requesting individual or entity shall make a request to the Department's Chief of Police or his/her designee. The Department may share Public Data with other law enforcement agencies. The Department may share Private Data, Confidential Data, Non-Public Data and Protected Non-Public Data with other law enforcement agencies, a government entity, or a federal agency for legitimate, specified law enforcement purposes upon receiving written authorization from the Department's Chief of Police or his or her designee.
- b. All requests other than those identified in subparagraph (a.): the requesting individual or entity shall submit a written request to the Department's Chief of Police.

421.7.1.3.3 All recordings should be reviewed by the Department's Chief of Police prior to public release (*see* the **Records Release and Security Policy (Policy 803)**). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

421.7.1.3.4 Members will be notified if their recordings may be shown to other Members or the general public for training purposes. If an involved Member objects to showing the recording, his/her objection will be submitted to the Chief of Police to determine if the training value outweighs the Member's objection.

421.7.1.3.5 Data may not be shared with, disseminated to, sold to, or traded with any other individual or entity unless explicitly authorized by statute or other applicable law.

421.7.1.4 *Data Duplication:* When access is determined to be appropriate to the requesting person/entity by the Department's Chief of Police, Authorized Personnel shall provide the requested data to the requesting person or entity either by inspection/viewing or on a compact disc (CD). Other law enforcement agencies and court and prosecutorial personnel may also be provided with a link (upon request) to access the data.

421.7.1.5 *Data Redaction:* Any necessary and lawful redaction or other editing of Data shall only be completed by Authorized Personnel in the course and scope of their job duties and in accordance with record retention laws and this policy.

421.7.1.6 *Data Destruction:* Authorized Personnel responsible for retention and destroying of Data, shall delete the Data:

- a. Pursuant to court order;

- b. In accordance with retention policy set forth in 421.7.1.2; and
- c. In instances where privacy issues are noted.

421.8 SURREPTITIOUS USE OF THE PORTABLE RECORDER

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 Department 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 Department Member without a court order unless lawfully authorized by the Chief of Police or his/her authorized designee.

421.9 INVENTORY/MAINTAINING CERTAIN PUBLIC DATA

The Department shall maintain the following information, which is Public Data:

- a. the total number of Portable Recording Systems owned or maintained by the Department;
- b. a daily record of the total number of Portable Recording Systems actually deployed and used by Members; and
- c. the total amount of recorded audio and video data collected by the Portable Recording Systems and maintained by the Department.

421.10 AUDIT

The Department shall arrange for an independent biennial audit of the Data to determine whether the Data was appropriately classified according to this policy and Minn. Stat. §13.825, how the Data is used, and whether the Data is destroyed in accordance with this policy and Minn. Stat. §13.825, and to verify compliance with Minn. Stat. §13.825, subd. 7 and 8.

421.11 NEW PORTABLE RECORDING SYSTEMS

The Department shall notify the Bureau of Criminal Apprehension within ten days of the Department obtaining new surveillance technology that expands the type or scope of surveillance capability of a Portable Recording System beyond video or audio recording.

421.12 SUPERVISOR RESPONSIBILITIES

Supervisors shall ensure that Members follow established procedures for the use and maintenance of Portable Recording Systems, and ensure that Data is being uploaded, stored and retained in

accordance with this policy and record retention laws. Supervisors shall perform periodic reviews of Portable Recording System recordings to ensure proper procedures are being followed.

421.13 FAILURE TO ADHERE

Members of the Department and Authorized Personal failing to adhere to this policy, applicable laws, and guidelines set forth herein regarding the use and management of Portable Recording Systems and access, retention, storage, and retrieval of Data collected are subject to discipline, up to and including termination. Furthermore, any Member or Authorized Personal who accesses Data in a manner that is not authorized by this policy or state or federal law shall be subject to the penalties set forth in Minnesota statute § 13.09.