

**CITY OF CHATFIELD PUBLIC SERVICES COMMITTEE**

**AGENDA**

**City Council Chambers - 21 SE Second Street, Chatfield, MN 55923**

**March 24, 2025, 4:30 P.M.**

A. Minutes

1. [February 24, 2025 Public Services Meeting Minutes](#)  
Review the minutes from the previous meeting.

B. New Business

1. [DEF Fluid Bulk Purchase](#)
2. [Body Camera Policy](#)



## PUBLIC SERVICES COMMITTEE MEETING STAFF REPORT

**Meeting Date:** March 24, 2025

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**Agenda Item:** February 24, 2025 Public Services Meeting Minutes

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**Subject | Summary:**

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**Agenda Category:**

**Submitted By:** Michele Peterson

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**Recommended Motion:** Review the minutes from the previous meeting.

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**Community Engagement and Outreach:**

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**FISCAL IMPACT:**

**Amount:**

**Ongoing Cost :**

**One-Time Cost :**

**Included in Current Budget?:**

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**FISCAL DETAILS:**

**Fund Name(s) (Operations | Capital):**

**Account Code:**

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**Background:**

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**Attachments:**

[2024.02.24 Public Services Notes.pdf](#)

**Public Services Committee**

**February 24, 2025**

The Public Services Committee met on Monday, January 27, 2025.

**Members Present:** Councilors Dave Frank and Pam Bluhm.

**Members Absent:** None

**Others Present:** Michele Peterson.

**A. Minutes**

1. **Notes from January 27, 2025,** were reviewed, no amendments were suggested.

**B. New Business**

1. **Squad Vehicles:** Chief Fox noted that the 2018 squad has had a new catalytic convertor and water pump installed, and therefore is back in service. The catalytic convertor was replaced under warranty. The other squad needs a new engine. The equipment has been ordered to repair the vehicle. Chief Fox will reach out to Fire Safety to understand what is happening with the new equipment ordered for the new squad car, so that it can be put into service. At this time Chief Fox is thinking that the Chief's car should be replaced this year, with the second squad being replaced in 2026.



## PUBLIC SERVICES COMMITTEE MEETING STAFF REPORT

**Meeting Date:** March 24, 2025

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**Agenda Item:** DEF Fluid Bulk Purchase

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**Subject | Summary:** Purchase of bulk DEF Fluid

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**Agenda Category:** New Business

**Submitted By:** Michele Peterson

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**Recommended Motion:**

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**Community Engagement and Outreach:**

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**FISCAL IMPACT:**

**Amount:**

**Ongoing Cost :**

**One-Time Cost :**

**Included in Current Budget?:**

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**FISCAL DETAILS:**

**Fund Name(s) (Operations | Capital):**

**Account Code:**

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**Background:**

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**Attachments:**

[2025 DEF Fluid Bulk Purchase.pdf](#)

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**INTEROFFICE MEMORANDUM**

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**TO:** CHATFIELD CITY COUNCIL  
**FROM:** ROCKY BURNETT  
**SUBJECT:** DEF FLUID BULK PURCHASE  
**DATE:** 3/13/2025  
**CC:**

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With the purchase of the new ambulance, we now must put DEF fluid in both trucks. The last time we purchase a 2.5-gallon container it was \$12.79 which comes out to \$6.39 a gallon. After some research we found we could get a 55-gallon drum delivered for \$138.00 or \$2.50 a gallon. So, we ordered a drum and a hand pump at a total cost of \$354.86 we will now own the pump and will not have that cost the next time we order a drum. I anticipate going through 1.5 of these drums a year so this is a pretty good savings.

I have also offered to the Public Works Department the use of this for any of their vehicles, which would only increase the savings by buying this in bulk.

CHS delivered the drum and pump on 3/12. Public Works and Ambulance Departments have been advised and trained on use.

Let me know if there are any questions

Rocky Burnett



## PUBLIC SERVICES COMMITTEE MEETING STAFF REPORT

**Meeting Date:** March 24, 2025

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**Agenda Item:** Body Camera Policy

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**Subject | Summary:**

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**Agenda Category:**

**Submitted By:** Michele Peterson

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**Recommended Motion:**

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**Community Engagement and Outreach:**

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**FISCAL IMPACT:**

**Amount:**

**Ongoing Cost :**

**One-Time Cost :**

**Included in Current Budget?:**

---

**FISCAL DETAILS:**

**Fund Name(s) (Operations | Capital):**

**Account Code:**

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**Background:**

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**Attachments:**

[3-18 body cam policy.pdf](#)

[Use-of-Body-Worn-Cameras LMC.pdf](#)

## **3-18 POLICE BODY WORN CAMERA**

### **INDEX**

3-18.1	DEFINITIONS
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3-18.11	VIOLATION OF POLICY

### **POLICY**

This agency recognizes that Police Body Worn Cameras (BWC) is an effective law enforcement tool. Therefore, the policy of this agency will be to utilize BWC technology in a manner that enhances accountability and transparency for all involved in a police and citizen interaction. This policy does not apply to other police video recording equipment, which is covered by policy 3-15. BWC is only a slice of what was occurring at a given time and is a two-dimensional representation of a three-dimensional event. The BWC may not record all the information that was seen or heard by those involved in the event and is only one part of the documentation of an event where a full understanding of what occurred is needed.

### **PURPOSE**

The purpose of this policy is to clearly establish for agency personnel the proper use of BWC technology to achieve the following:

- The primary purpose is to provide evidence collection of events, actions, conditions, and statements made during arrests, critical incidents, and other law enforcement activities.
- To enhance the agency's ability to provide accountability and transparency of officer and citizen interactions.
- To evaluate the performance of officers and to assist in training.

### **SCOPE**

This policy applies to all sworn personnel and those civilian personnel assigned the responsibility of handling digital evidence or information releases.

## STANDARDS

### 3-18.1 DEFINITIONS

Body Worn Camera (BWC) – A camera system that is worn on an individual officer's person that records and stores audio and video data.

Confidential data – BWC data that is collected or created as part of an active criminal investigation.

Data Subject – The image or voice of any person recorded by a BWC, except of the officer wearing the BWC that captured the data.

Data Transfer – The movement of digital data from a BWC device to the agency digital evidence storage location.

Digital Evidence – Digital data files from PVRE including BV, ICV, BWC or any other agency device capable of capturing audio, video, photographs and stored in a digital format that have an evidentiary value.

Evidentiary Value – Information that may be useful as proof in a criminal prosecution and 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.

General Citizen Contact – A formal or informal encounter between an officer and person(s) that does not have an evidentiary value. Examples including, but not limited to: assisting a motorist with directions, answering general questions or receiving generalized concerns from a citizen about crime trends in his or her neighborhood.

Minnesota Government Data Practices Act (MGDPA) – Refers to Minnesota Statute 13.01, et seq.

Next of Kin - The following persons are proper relatives, in descending order: the deceased individual's spouse, parent, adult child, or adult sibling. Reference of definition, Minnesota Statute 253B.03 Subd 6 (b) (3).

Non-general Citizen Contact – Means an officers' encounter with a person(s) 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.

Police Video Recording Equipment (PVRE) – Equipment used to record video with or without audio.

Unintentionally recorded footage – Is a video recording that result from an officer's test activation, inadvertence, or neglect in operating the officer's BWC, provided that no portion



of the resulting recording has evidentiary or administrative value. Examples include, but are not limited to, recordings made in agency locker rooms, restrooms, and recordings made while officers were engaged in conversations of a non-business or personal nature with the expectation that the conversation was not being recorded.

### **3-18.2 TRAINING**

The agency shall provide all employees responsible for the operation, handling, and management of the BWC equipment and data files with training to ensure compliance with this policy.

### **3-18.3 USAGE**

Officers shall only use department approved/issued BWC in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this department.

Officers assigned to a patrol shift will utilize a BWC during their work shift by checking out a camera from the BWC dock unless none are available. If none are available or an officer forgets to remove a BWC before going on a call for service, the officer will advise Dispatch they do not have a BWC. Officers should ensure the BWC is working correctly and sync the BWC to the squad car they will be using during their shift.

If a BWC is found to not be working correctly it shall be placed out of service and notification sent to the department as to which BWC is out of service, as well as placing a note on the BWC.

Officers should ensure the BWC is worn in one of the approved locations.

A. Approved BWC wear locations:

1. On the vertical button edge of a uniform shirt or outer jacket.
2. On a dedicated tab of a uniform shirt or outer jacket.
3. On a dedicated tab located on outer body armor carrier.
4. On the pocket of an outer body armor carrier.
5. Other location submitted in writing based on specific circumstances to the Chief of Police or Designee with a written approval.

### **3-18.4 ACTIVATION/DEACTIVATION**

- A. Officers should activate their BWCs when anticipating that they will be 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, non-general contact, and during other activities likely to yield information having evidentiary value. However, officers need not activate their BWC when it would be unsafe, impossible, or impractical to do so, but such instances of not recording must be documented in the ICR and report, if a report is created. If the BWC fails during use, it must be

documented in the ICR and report, if a report is created to include the reason for failure.

- B. Officers have discretion to record any police-citizen encounter regardless if the recording would yield information having evidentiary value, unless such recording is otherwise expressly prohibited.
- C. Officers have no affirmative duty to inform people that a BWC is being operated or that they are being recorded.
- D. Once activated, the BWC should continue recording until the conclusion of the event, or until it becomes apparent that additional recording is unlikely to capture information having evidentiary value or if the event would be recorded by another department PVRE system. 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 circumstances change, officers will reactivate their cameras as required by this policy to capture information having evidentiary value.
- E. Officers shall not intentionally block the BWC's audio or visual recording functionality to defeat the purposes of this policy. However intentional blocking is acceptable if utilized to comply with section 3-18.5 B, Special Guidelines for Recording, where a temporary blocking would be more appropriate than stopping and starting the BWC.
- F. Officers shall not activate the BWC during events where undercover officers are known to be present without prior approval from the undercover officers or a department supervisor.
- G. Notwithstanding any other provision in this policy, officers shall not use their BWCs to record agency personnel during non-enforcement related activities, such as during pre- and post-shift time in locker rooms, during meal breaks, briefings, meetings or during other private conversations, unless recording is authorized by the Chief or Designee as part of an administrative or criminal investigation.

### **3-18.5 SPECIAL GUIDELINES OF RECORDING**

Officers may, in the exercise of discretion, determine:

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

- B. To use their BWC to record persons being provided medical care if the subject is aggressive towards others or force may be necessary to allow for providing medical care.
- C. To use their BWCs when dealing with individuals believed to be experiencing a mental health crisis or event. BWCs shall be activated as necessary to document any use of force, or anticipated need for use of force.
- D. If officers respond to a health care facility, mental health care facility, detox, juvenile detention center, or adult detention center for a call of assistance, they may record the event as covered under 3-18.5 A., but otherwise should not record in these facilities unless the officer anticipates witnessing a criminal event or being involved in or witnessing aggression or a use-of-force incident.
- E. Officers should avoid recording law enforcement restricted data on a BWC that may be in a verbal, written or electronic format. Examples including, but not limited to: computer screen or Driver's Licenses, school or medical information.

### **3-18.6        DOWNLOADING / LABELING RECORDINGS**

- A. BWCs will be downloaded in the manner and to location specified during training.
- B. Recordings of known evidentiary value or use of force event or an event the officer believes should be retained longer will be labeled and stored as directed during training. These recordings should be listed in the officer's written report.
- C. All BWC recordings shall be stored as designated by agency configuration. BWC recordings will be labeled as designated during training.

### **3-18.7        DATA STORAGE MEDIA CONTROL AND MANAGEMENT**

- A. Data Retention
  - 1. All BWC data shall be retained for a minimum period of 90 days. There are no exceptions for unintentionally recorded or non-evidentiary data. BWC data not listed in provisions below is subject to destruction after 90 days from date of recording.
  - 2. BWC 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. BWC data will no longer be considered as

evidentiary data if the charges are dismissed or 90 days after being sentenced for charges.

3. 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.
4. Data that documents the use of deadly force by a peace officer must be maintained indefinitely.
5. Certain kinds of BWC data must be retained for six years:
  - a. Data that documents the use of force of a sufficient type or degree by a peace officer, to require supervisory review.
  - b. Data documenting circumstances that have given rise to a formal complaint against an officer.
6. 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.
7. BWC data that has a value for training purposes; may be reclassified as training data and subject to section 3-18.9. BWC data that are retained for training purposes, which no longer have evidentiary value, may be stored outside of the regularly used server. Such data is considered department data and may not be disseminated outside the department without prior approval.

#### B. Digital Data Storage

1. Officers shall only use agency designated digital data storage, as approved by the Chief of Police or designee.
2. The City's Information Technology will determine the best method for backing up the data. If that method is an off-site, cloud-based system, they will ensure the data is encrypted and meets the requirements of the Criminal Justice Information Services, Policy 5.4 or successor version.

C. Security/Control of Digital Data

1. Officers shall not edit, destroy, erase or in any manner alter BWC data unless otherwise expressly authorized by the Chief or the chief's designee.
2. Upon download from the BWC, data will be subject to the same security restrictions and chain of evidence safeguards as any other piece of evidence/property.
3. A copy of any BWC data will not be released to a person or agency, other than another criminal justice agency, without prior approval of the Chief of Police or his/her designee.
4. Personally owned devices, including but not limited to computers and mobile devices, shall not be programmed or used to access, view or record BWC data, without prior approval from the Chief of Police.
5. Access to BWC data from city approved devices shall be managed in accordance with established agency and/or city policy.
6. Agency personnel may access and view stored BWC data 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 BWC data of an incident which they recorded, only for the purpose of preparing a report, giving a statement, or providing testimony about the incident.
7. 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 onto public and social media websites.
8. Officers may display portions of BWC data 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 limit these displays, including but not limited to: showing only a portion of the video, showing only screen shots, muting the audio, or playing the audio but not displaying video, to protect against the incidental disclosure of individuals whose identities are not public.
9. Officers shall refer members of the media or public seeking access to BWC data to the responsible authority/data practices designee, who will process the request in accordance with the MGDPA and other governing laws. 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.

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

### **3-18.8 DATA RELEASE REQUESTS**

Minnesota State Statutes 13.825 classifies BWC recorded data as private data on individuals or nonpublic data. This agency may redact or withhold access to portions of data that are public under this subdivision if those portions of data are clearly offensive to common sensibilities. BWC data is considered public under the following provisions of 13.825:

- A. Data that document the discharge of a firearm by a peace officer in the course of duty, if a notice is required under section 626.553, subdivision 2, or the use of force by a peace officer that results in substantial bodily harm, as defined in section 609.02, subdivision 7a.
- B. If a subject of the data requests it be made accessible to the public, but subject to redaction if the data contains:
  1. Other data subjects that have not consented to the release.
  2. Data contains images of a peace officer whose identity is protected under section 13.82, subdivision 17, clause (a).
- C. Notwithstanding any law to the contrary, when an individual dies as a result of a use of force by a Chatfield Police Officer, the following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request, except as otherwise provided for in 3-18.8 D below or by law.
  1. The deceased individual's next of kin;
  2. The legal representative of the deceased individual's next of kin
  3. The other parent of the deceased individual's child.

The Chief of Police may deny a request if the Department or Agency assisting in the investigation determines that there is a compelling reason that inspection would interfere with the active investigation. If denied access, the Chief of Police must provide a prompt, written denial to the individual who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to section 13.82, subdivision 7.

- D. When an individual dies as a result of a use of force by a Cannon Falls Police Officer, the Chatfield Police Department shall release all portable recording system data, redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the Chief of Police asserts in writing that the public classification would interfere with an ongoing

investigation, in which case the data remain classified by section 13.82, subdivision 7;

- E. Data that are public personnel data under section 13.43, subdivision 2, clause (5).
- F. Data made public by an order of the Court.
- G. BWC data that is part of an active criminal investigation is confidential. This classification takes precedence over the “private” or “public” classifications listed within this policy.

### **3-18.9 AGENCY USE OF DATA**

The following purposes are approved by the Chief of Police as having a legitimate and specified law enforcement purpose, for the access to the BWC recorded data as provided by Minnesota Statute 13.825, subd 7(b).

- A. Supervisors or other personnel as assigned by the Chief of Police or designee 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.
- B. Supervisors may randomly review BWC recordings made by officers to ensure the equipment is operating properly and officers are using the devices appropriately in accordance with this policy, and to identify any performance areas in which additional training or guidance is required.
- C. Officers should contact their supervisor to discuss retaining and using BWC data for training purposes. Officer objections to preserving or using certain BWC data for training will be considered on a case-by-case basis.
- D. Field training officers may review BWC data, recorded by them or their trainee, with trainees for the purpose of training, coaching and feedback on the trainee’s performance.
- E. Nothing in this policy limits or prohibits the use of BWC recorded data as evidence of misconduct or as a basis for discipline.
- F. May display portions of BWC footage to any person, agency, or the public if the agency determines that the access is allowed by Minn. Stat. § 13.82, subd. 15, as may be amended from time to time.

### **3-18.10        AUDITS**

This agency will conduct an independent audit on a biennial basis as required by Minnesota Statute 13.825, subd. 9, results of the independent audit will be reported to the city council.

### **3-18.11        VIOLATION OF POLICY**

If an employee misuses the data covered by this policy or intentionally fails to comply with or violates this policy, it will be considered misconduct as covered by section 1-6.07 and such behavior may be grounds for disciplinary action up to and including discharge.

Policy 3-18: Issued: 03-18-2025





The League of Minnesota Cities Insurance Trust thanks the following organizations that comprised the working group to develop and review the model policy: Minnesota Counties Intergovernmental Trust, Minnesota Chiefs of Police Association, Minnesota Association of City Attorneys, Minnesota County Attorneys Association, Minneapolis Police Department, St. Paul Police Department, Cannon Falls Police Department, Burnsville Police Department, and Columbia Heights Police Department. Their participation does not necessarily signify agency endorsement of the model policy by the individual's employing agency.

## INFORMATION MEMO

# Use of Body-Worn Cameras

*State law provides extensive guidelines on policies governing law enforcement use of body-worn cameras (BWCs) and the resulting data. This discussion and the linked model policy are intended to help cities administer BWC programs and data soundly and in accordance with law.*

### RELEVANT LINKS:

National Institute of Justice,  
[Research on Body-Worn  
Cameras and Law  
Enforcement](https://nij.ojp.gov), (Jan. 7, 2022)  
<https://nij.ojp.gov>.

Cynthia Lum, et al., [Body-worn cameras' effects on police officers and citizen behavior: A systematic review](#), *Campbell Systematic Reviews* 16, no. 3 (2020) [hereinafter Lum (2020)].

## I. Program considerations

There could be a variety of different reasons for communities and their law enforcement agencies to embrace body-worn camera (BWC) technology. Some of the common ones are to reduce liability and civilian complaints, and to improve officer safety. Though experiences differ, the National Institute of Justice (NIJ) reported in 2022 that the existing research does “not necessarily support the effectiveness of body-worn cameras” in achieving all of these desired outcomes. On the positive side, a comprehensive analysis of 30 existing studies on BWCs found that their use was associated with a 16% relative reduction in complaints against officers. Beyond that, however, the results were murkier; researchers found that body camera usage can have “positive, negative, or null impacts on police or citizen behaviors under circumstances that are not well understood.” The NIJ concluded that more research is needed to determine the value of BWCs and how to use them to realize the most benefit.

Survey research indicates that officers who use BWCs value them as means for protecting themselves from frivolous complaints and false stories about their conduct, and as a tool for documenting evidence. Communities considering a move toward body cameras should assess the benefits they hope to achieve together with the costs involved for equipment, data storage, and the administration of BWC data.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

## RELEVANT LINKS:

[Minn. Stat. § 626.8473, subd. 2.](#)

[Minn. Stat. § 626.8473, subd. 3.](#)

[Minn. Stat. § 13.825, subd. 10.](#)

[Minn. Stat. § 13.825, subd. 9.](#)

## II. Transparency, reporting, and external oversight

Minnesota law requires that communities starting a BWC program receive public comments at three junctures in the process. First, enforcement agencies must provide an opportunity for public comment before purchasing or implementing a BWC system. Minimally, the agency must receive comments by mail and email, but may certainly hold public meetings and forums if desired. Second, the council or board with budget oversight for the agency must allow public comment at one of its regular meetings. Third, agencies must allow for public comment and input when developing their BWC policies.

Next, the law requires transparency and reporting as agencies acquire more advanced BWC technologies. Agencies that obtain BWC equipment with capabilities that go beyond recording video and audio must notify the BCA of these acquisitions within 10 days. In turn, these notifications must be posted on the BCA's website.

Finally, the legislation imposes independent audit requirements on agencies that operate BWC programs. Agencies must arrange for an independent biennial audit to determine whether they are classifying data as required by law, how the data is being used, and whether the data is being purged and destroyed as required by statute. The audits must also examine whether personnel have obtained unauthorized access to BWC data or inappropriately shared data with other agencies. The audit results are public with few exceptions and must be reviewed by the governing body. In turn, the governing body must order the suspension of a BWC program if the audit shows a pattern of substantial noncompliance with legal requirements. Summaries of the audit results must be provided to the Legislative Commission on Data Practices and Personal Data Privacy, and to the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over data practices and public safety issues within 60 days following completion of the audit.

## III. Policy requirements

[Minn. Stat. § 626.8473, subd. 3.](#)

[PERF document.](#)

Minnesota law requires agencies to have written policies and procedures for their BWC programs. Resources from professional organizations such as the International Association of Chiefs of Police (IACP) and the Police Executive Research Forum (PERF) may contain information that is useful in formulating these policies. However, Minnesota law requires that the policy include several state-specific elements, including but not limited to:

- A requirement that officers wear the BWC above the midline of the waist.

## RELEVANT LINKS:

- Circumstances under which recording is mandatory, prohibited, or is left to officer discretion.
- Data classifications, retention policies, general access procedures, and special access procedures in cases involving death.
- A prohibition against the destruction or alteration of BWC data before the expiration of the retention period.
- A requirement that certain BWC data be maintained indefinitely, in full, unedited, and unredacted condition.
- Procedures for testing the recording equipment, documenting malfunction reports, and addressing malfunctions.
- Guidelines for when a recording may be ended.
- Procedures for the secure storage of data and the creation of backup copies.
- Procedures to ensure compliance with the policy and to address violations.

Body-Worn Cameras, LMC Model Policy.

**Red typeface** in the LMC model policy indicates that the language is included in response to a statutory requirement. While the model language is recommended, agencies may certainly have other options for addressing mandatory policy elements.

## IV. Deciding what to record

Minn. Stat. § 626.8473, subd. 3(b)(8).

Minnesota law does not dictate when officers must activate their body cameras. Agencies must instead cover this topic in their written policy, along with the related subjects of when officers have discretion to record and are prohibited from recording.

Lum (2020) at 28-29.

Establishing guidelines on when to record involves tradeoffs. If the agency's goal for having BWCs is to maximize accountability, then the most logical policy choice would be to have officers turn on their cameras whenever they respond to a call for service or interact with a member of the public. Indeed, one finding from the research, subject to important caveats, is that the more policies restrict officer discretion in recording, the greater the reduction in use of force. On the other hand, if the agency's primary goal is to gather better evidence for use in criminal cases, then it might make sense to have officers treat body cameras like any other evidence-gathering tool and use their judgment in deciding when to record.

Body-Worn Cameras, LMC Model Policy.

There seems to be little debate around the idea that officers should turn on their cameras when they anticipate making an arrest, using force, or becoming involved in conflictual situations with members of the public. The model policy requires that officers record these situations. Yet it also reflects the different schools of thought about whether to record all calls and enforcement contacts so important ones are not missed, or on the other hand, to take a more surgical approach. Option 1 in the model policy, under "General Guidelines for Recording," requires the activation of cameras

## RELEVANT LINKS:

during all responses to calls for service and law enforcement-related encounters. Option 2 more narrowly defines the class of events subject to mandatory recording, and then relies on officer judgment to identify and record other circumstances likely to yield relevant evidence.

Practical and economic considerations may also come to bear on deciding which option to choose and how much data to record. Once BWC data is recorded, it must be administered and retained in accordance with legal requirements. Agencies should expect that both storage costs and the time required to administer data will increase as more is collected and stored. Desires for accountability and transparency may weigh in favor of broad, mandatory recording requirements. But considerations of cost and practicality may point toward less mandatory recording and more reliance on officer judgment.

Deciding which approach to take involves weighing these competing factors in the context of the prevailing social, political, and economic considerations within each community. This is a determination particularly suited to elected officials acting on input from law enforcement professionals. Agencies should consult with their city councils or county boards to develop a community-specific approach.

## V. Data administration issues

[Minn. Stat. § 13.825.](#)

[Body-Worn Cameras, LMC Model Policy.](#)

Minnesota law treats data collected through the use of body cameras differently than most other forms of data. While most government data is presumptively public, BWC data is presumptively private. Minnesota Statutes section 13.825, subdivision 4, sets down special rules for determining who is a subject of BWC data. Other provisions establish special access rights and classification requirements pertaining to data that document a use of force resulting in death. Agencies are encouraged to consult with their city attorneys or legal advisors for guidance in interpreting and applying these laws. The model policy contains a multi-page section under the heading of “Administering Access to BWC Data” that addresses these and other topics.

### A. Labeling data for retention purposes

[Minn. Stat. § 13.825, subd. 3.](#)

In very general terms, the Data Practices Act establishes who is entitled to access different kinds of data, and then the entity’s records retention schedule guides how long it must keep the data on hand before disposing of it. But administering BWC data is complicated by the fact that retention periods are governed by both Minnesota Statutes section 13.825, as well as the records retention schedule that the city or county has adopted.

[Minn. Stat. § 13.825, subd. 3\(a\).](#)

Section 13.825, subdivision 3(a), provides that all BWC data must be maintained for a minimum period of 90 days and then be destroyed

## RELEVANT LINKS:

[Minn. Stat. § 13.825, subd. 3\(b\).](#)

[General Records Retention Schedule for Minnesota Cities.](#)

General Records Retention Schedule for Minnesota Counties, available through the [Minnesota Historical Society](#) website.

according to the agency's retention schedule. The statute identifies specific kinds of BWC data that must be maintained for one year and then be destroyed under the records retention schedule. These are data documenting duty-related firearms discharges, certain uses of force, and cases in which a formal complaint is made against an officer. But the expiration of these minimum retention periods under Data Practices does not necessarily mean that the data can or must be destroyed. Rather, the General Records Retention Schedule for Minnesota Cities (and the concordant General Records Retention Schedule for Counties) basically "kicks in" once the statutory retention periods have passed.

The model policy includes a series of suggested labels for BWC data files to aid in matching them to the appropriate retention period. For instance, if an officer has recorded a DUI arrest, the model provides for labeling the data file as "Evidence—Criminal." This label correlates to the category of "Arrest & Charge," found in the General Records Retention Schedule for Minnesota Cities. The retention schedule directs that this data should be maintained until the final disposition of the criminal case, which could certainly be after the expiration of the statutory 90-day retention period. By labeling this data when captured, the agency is informing itself from the outset that the data has evidentiary value in a criminal case and should be retained accordingly.

Agencies that choose not to deal with labeling data files at the time of capture or storage are likely deferring, rather than avoiding, the work involved in determining the correct retention period. Various BWC systems may offer different options for labeling data files, and agencies may find it useful to keep their own systems in mind when developing their policy.

## B. Data access issues and flagging

The model policy also provides for a system of flagging BWC files to indicate the likely presence of information about individuals whose identities may be legally protected from disclosure. Examples of such individuals include undercover officers, victims of criminal sexual conduct, and vulnerable adults who are victims of maltreatment. Whether or not agencies use the flagging process, the categories of protected identities listed in the policy may serve as a useful checklist when responding to requests for access to BWC data. The policy includes the more commonly occurring protected identities but is not intended to be all-inclusive.

## C. Access to BWC data and critical incidents

The model policy also addresses officer access to BWC data. It recommends allowing officers to review BWC video footage before drafting reports, giving statements, or providing testimony concerning typical law enforcement events. It is extremely unlikely that an officer could ever

## RELEVANT LINKS:

[PERF document at 45.](#)

[Information Memo, Planning for Critical Incident Responses](#)

[Minn. Stat. § 626.8473, subd. 3\(b\) \(12\).](#)

perceive or recall the same amount of information captured by a digital, high-definition recording device, particularly when under stress, and PERF notes that officers will be able to report and testify more accurately when they are provided access to “all possible evidence of the event.”

Other considerations may bear on allowing officers to view BWC footage and video evidence prior to giving statements about an officer-involved shooting or other critical incident. The model policy provides two options for video review and leaves it to agencies to include guidelines on viewing videos in their policies addressing critical incidents.

## D. Supervisory review

Under the BWC legislation, agency policies must include provisions for ensuring that personnel comply with them. To this end, under the heading, “Agency Use of Data,” the model requires that supervisors review BWC usage on a monthly basis. This review could be limited to a cursory comparison of when officers are making recordings, and how they are labeling them, as compared to other records of the officers’ activities. An alternative would be to have supervisors also review BWC footage to gain an additional perspective on officer performance in the field. While reviewing footage might promote accountability, officers might see this practice as an expression of mistrust and become resentful. This is an issue for agencies to consider in light of their own particular circumstances.

## VI. Further assistance

Please contact the League of Minnesota Cities or the Minnesota Counties Intergovernmental Trust with any questions or requests for assistance.