



Board of County Commissioners Agenda Request

5J
Agenda Item #

Requested Meeting Date: 1/3/2023

Title of Item: Body Worn Camera Audit Report

<input type="checkbox"/> REGULAR AGENDA <input checked="" type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
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Submitted by: Daniel Guida	Department: Sheriff's Office
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Presenter (Name and Title):	Estimated Time Needed:
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Summary of Issue:

Aitkin County Sheriff's Office Body Worn Camera Audit has been completed. This report will be submitted to the Minnesota Commission on Data Practices. Please find the report and Certificate of Completion for your review.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:
Recommendation to approve the Body Worn Camera Audit Report.

Financial Impact:

Is there a cost associated with this request? Yes No

What is the total cost, with tax and shipping? \$

Is this budgeted? Yes No *Please Explain:*



INDEPENDENT AUDITOR'S REPORT

Aitkin County Sheriff's Office Body-Worn Camera Program



Audit Overview and Recommendations

Dear Aitkin County Board and Sheriff Guida:

We have audited the body-worn camera (BWC) program of the Aitkin County Sheriff's Office (ACSO) for the two-year period ended 4/14/2022. Minnesota Statute §13.825 mandates that any law enforcement agency operating a portable recording system (PRS)¹ program obtain an independent, biennial audit of its program. This program and its associated data are the responsibility of the Aitkin County Sheriff's Office. Our responsibility is to express an opinion on the operations of this program based on our audit.

On September 20, 2022, Rampart Defense LLC (Rampart) met with Records Technician Lana Delmore, who provided information about ACSO's BWC program policies, procedures and operations. As part of the audit, Rampart reviewed those policies, procedures and operations for compliance with Minnesota Statute §626.8473, which sets forth the requirements for creating and implementing a BWC program, and Minnesota Statute §13.825, which governs the operation of BWC programs. In addition, Rampart also conducted a sampling of BWC data to verify ACSO's recordkeeping.

The purpose of this report is to provide an overview of this audit, and to provide recommendations to improve the ACSO BWC program and enhance compliance with statutory requirements.

ACSO BWC Program Implementation and Authorization

Effective August 1, 2016, Minnesota Statute §626.8473 Subd. 2 requires that:

A local law enforcement agency must provide an opportunity for public comment before it purchases or implements a portable recording system. At a minimum, the agency must accept public comments submitted electronically or by mail, and the governing body with jurisdiction over the budget of the law enforcement agency must provide an opportunity for public comment at a regularly-scheduled meeting.

In addition, §626.8473 Subd. 3(a) requires that the law enforcement agency establish and enforce a written policy governing the use of its portable recording system, and states "[t]he written policy must be posted on the agency's Web site, if the agency has a Web site."

Records Technician Delmore provided documentation showing that the public notification, comment and meeting requirements had been satisfied prior to the implementation of ACSO's BWC program on April 15, 2020. Specifically, Rampart reviewed minutes of the February 25, 2020, Aitkin County Board meeting, in which Sheriff Guida provided county commissioners with an overview of ACSO's proposed BWC program; and minutes of the April 14, 2020, Aitkin County Board Meeting, which noted that the meeting included a public hearing for the purpose of considering ACSO's new body-worn camera policy.

¹ It should be noted that Minnesota statute uses the broader term "portable recording system" (PRS), which includes body-worn cameras. Because body-worn cameras are the only type of portable recording system employed by ACSO, these terms may be used interchangeably in this report.

Records Technician Delmore also furnished a copy of a public notice dated March 12, 2020, announcing the proposed BWC policy and inviting the public to submit written comments via mail or electronically, or in person at the regularly scheduled Aitkin County Board meeting to be held on April 14, 2020. Copies of these documents have been retained in Ramparts audit files.

The public notice included a link to the written Portable Audio Video Recorders policy on the ACSO website. Rampart staff verified that the BWC policy was accessible from the Aitkin County Sheriff's Office's webpage at the time of our audit.

ACSO BWC WRITTEN POLICY

As part of this audit, we reviewed ACSO's BWC policy, a copy of which is attached to this report as Appendix A.

Minnesota Statute §626.8473 Subd. 3(b) requires a written BWC policy to incorporate the following, at a minimum:

1. The requirements of section 13.825 and other data classifications, access procedures, retention policies, and data safeguards that, at a minimum, meet the requirements of chapter 13 and other applicable law;
2. Procedures for testing the portable recording system to ensure adequate functioning;
3. Procedures to address a system malfunction or failure, including requirements for documentation by the officer using the system at the time of a malfunction or failure;
4. Circumstances where recording is mandatory, prohibited, or at the discretion of the officer using the system;
5. Circumstances under which a data subject must be given notice of a recording;
6. Circumstances under which a recording may be ended while an investigation, response, or incident is ongoing;
7. Procedures for the secure storage of portable recording system data and the creation of backup copies of the data; and
8. Procedures to ensure compliance and address violations of the policy, which must include, at a minimum, supervisory or internal audits and reviews, and the employee discipline standards for unauthorized access to data contained in section 13.09.

Due to their complexity and interrelatedness, clauses 1 and 7 are discussed separately below. Clause 8 is also discussed separately.

In our opinion, the ACSO BWC policy is compliant with respect to clauses 2 – 6.

ACSO BWC Data Retention

The data retention section of ACSO's BWC policy states that "[a]ll Portable Audio/Video Recorder data shall be maintained for a minimum period of 180 days. There are no exceptions for erroneously recorded or non-evidentiary data." The policy also itemizes the individual data categories identified in §13.825 Subd. 3 and provides the same retention period specified in statute for each. With respect to

BWC data having evidentiary value, ACSO follows the General Records Retention Schedule for Minnesota Cities. Finally, the policy specifies that when a video meets multiple categories, it will be retained for the longest applicable retention period.

ACSO employs the Visual Labs Smartphone Body Camera Application and manages BWC data retention through automated retention settings in the video management software. The retention period for each video is determined by the data classification assigned at the time of upload; however, this retention period can be adjusted as needed.

Visual Labs employs an automated upload process for BWC data. ACSO's BWC policy requires that each deputy ensure that this upload process completes successfully and, in the event of failure, manually upload BWC data to the Visual Labs cloud server. The BWC policy also requires that the deputy assign the appropriate label or labels to each file to identify the nature of the data. These labels then determine the appropriate retention period for each file.

In our opinion, ACSO's written BWC policy is compliant with respect to applicable data retention requirements.

ACSO BWC Data Destruction

Records Technician Delmore advised us that ACSO BWC data are uploaded to and stored on Visual Labs' cloud-based server. Data on the server are destroyed through automated deletion and overwriting, based on a retention schedule assigned to each video.

The Visual Labs website notes its compliance with current CJIS security standards, as well as referencing specifically the requirements of Minnesota Statute §13.825. The linked standards document indicates that media to be retired from service will be overwritten a minimum of three times or degaussed, and physically inoperable media will be destroyed through mechanical means such as shredding and/or incinerating.

In our opinion, ACSO's written BWC policy is compliant with respect to the applicable data destruction requirements.

ACSO BWC Data Access

Any request for access to BWC data by data subjects would be made in writing to the ACSO Records Department. The records supervisor is then responsible for reviewing and fulfilling each request in accordance with the provisions of §13.825 Subd. 4(b).

ACSO BWC data is shared with other law enforcement agencies for evidentiary purposes only. All such requests must be made by submitting a specified form to the ACSO Records Department, either in person or via email. Existing verbal agreements between ACSO and other area law enforcement agencies address data classification, destruction and security requirements governing shared BWC data, as specified in §13.825 Subd. 8(b). At the time of the audit, ACSO was evaluating the addition to the BWC data request form of a written acknowledgment of the requesting agency's statutory

responsibilities. Access to ACSO BWC data for outside agencies is provided either via an expiring web link or using physical media such as a USB memory stick.

We recommend that ACSO obtain a written acknowledgement from any outside law enforcement agency that any BWC data obtained from ACSO will be managed by the requesting agency in compliance with the requirements of §13.825 Subd. 7 and 8. A copy of this written acknowledgment should be maintained on file.

In our opinion, ACSO's written BWC policy is compliant with respect to the applicable data access requirements.

ACSO BWC Data Classification

ACSO follows the BWC data classifications set forth in Minnesota Statute §13.825 Subd. 2, and the written BWC policy incorporates the statutory language extensively. In our opinion, this section of the policy is compliant with respect to the applicable data classification requirements.

ACSO BWC Internal Compliance Verification

The Office Use of Data section of the ACSO BWC policy states that “[s]upervisors will randomly review Portable Audio/Video Recorder usage by each officer to ensure compliance with this policy.” The Compliance section states:

Supervisors shall monitor for compliance with this policy. The unauthorized access to or disclosure of Portable Audio/Video Recorder data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. §13.09 and/or Minn. State Statute 262.8473 [sic].

The Administering Access to Portable Audio/Video Recording Data section of the ACSO BWC policy includes the following provisions:

- No employee may have access to the department's Portable Audio/Video Recorder data except for legitimate law enforcement or data administration purposes.
- Deputies may view stored Portable Audio/Video Recorder video only when there is a business need for doing so.
- Office personnel shall document their reasons for accessing stored Portable Audio/Video Recorder data in the Visual Labs cloud at the time of each access.

Records Technician Delmore advised us that each sergeant reviews a random selection of BWC videos for each of his or her direct reports every month to verify compliance.

In our opinion, these sections of the policy are compliant with the applicable internal compliance and disciplinary requirements.

ACSO BWC Program and Inventory

ACSO has currently installed the Visual Labs Smartphone Body Camera Application on a total of 20 ACSO-issued cellular phones. This includes 18 deployed units and two that are held as spares.

The ACSO BWC policy identifies those circumstances in which deputies are expected to activate their body-worn cameras, as well as circumstances in which they are prohibited from activating their body-worn cameras. The policy also provides guidance for those circumstances in which BWC activation is deemed discretionary.

The ACSO BWC policy states that “[d]eputies shall conduct a function test of their issued Portable Audio/Video Recorder at the beginning of each shift to make sure the devices are operating properly,” and provides additional instructions in the event of a malfunction.

While ACSO does not maintain a separate log of BWC deployment or use, Records Technician Delmore advised us that because each uniformed deputy wears a BWC while on duty, the number of BWC units deployed with uniformed personnel each shift can be determined based on a review of ACSO payroll records. In addition, non-uniformed personnel are issued and authorized but not required to wear or use body-worn cameras. Actual BWC use would be determined based on the creation of BWC data.

As part of the audit, ACSO submitted a report from Visual Labs listing 33,726 BWC video data files as of the audit date. Upon further review, we determined that this represented the total number of BWC videos *created* during the audit period, rather than the number of videos retained as of the audit date. Rampart has confirmed directly with Visual Labs that their system is capable of determining the amount of maintained BWC video, as specified in Minnesota Statute §13.825 Subd. 5(4).

ACSO BWC Physical, Technological and Procedural Safeguards

ACSO BWC data are initially recorded to a deputy’s ACSO-issued cellular phone. Those files are then uploaded via cellular data link to Visual Labs’ cloud server. In the event a video fails to upload automatically, the process can be completed manually.

Deputies have view-only access to their own data for report writing, trial preparation, data administration, investigatory purposes and other legitimate law enforcement purposes.

As noted above, requests by other law enforcement agencies for ACSO BWC data must be submitted to the Records Department and are fulfilled via expiring web link. A similar method is employed to provide ACSO BWC data to prosecutors.

Enhanced Surveillance Technology

ACSO currently employs BWCs with only standard audio/video recording capabilities. They have no plans at this time to add enhanced BWC surveillance capabilities, such as thermal or night vision, or to otherwise expand the type or scope of their BWC technology.

If ACSO should obtain such enhanced technology in the future, Minnesota Statute §13.825 Subd. 10 requires notice to the Minnesota Bureau of Criminal Apprehension within 10 days. This notice must include a description of the technology and its surveillance capability and intended uses.

Data Sampling

Rampart selected a random sample of 132 calls for service (CFS) from which to review any available BWC recordings created by sworn personnel. It should be noted that not every call will result in a deputy activating his or her BWC. For example, a deputy who responds to a driving complaint but is unable to locate the suspect vehicle would be unlikely to activate his or her BWC. It should also be noted that because the audit covers a period of two years, while most BWC data is only required to be retained for 90 days by statute, or 180 days per ACSO policy, there is a significant likelihood that the sample population will include calls for which BWC data was created, but which has since been deleted due to the expiration of the retention period. The auditor reviewed the retained BWC videos to verify that this data was accurately documented in ACSO records.

Audit Conclusions

In our opinion, the Aitkin County Sheriff's Office's Body-Worn Camera Program is substantially compliant with Minnesota Statutes §13.825 and §626.8473.



Daniel E. Gazelka

Rampart Defense LLC

12/19/2022

It should be noted that the transmission of the Aitkin County Sheriff's Office policy from the provided PDF resulted in many grammatical and misspelled words that do not correctly reflect the actual policy. A true and correct copy has been retained in Rampart files and is available on request.

APPENDIX A:

426 Aitkin County Sheriffs Office Aitkin Cnty SO Policy Manual Portable Audio/Video Recorders 426,1
PURPOSE AND SCOPE The primary purpose of using Portable Audio/Video Recorders is to capture evidence arising from police-citizen encounters. This policy sets forth guidelines governing the use of Portable Audio/Video Recorders and administering the data that results. Compliance with these guidelines is mandatory, but it is recognized that deputies must also attend to other primary duties and the safety of all concerned, sometimes in circumstances that are tense, uncertain and rapidly evolving. Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording. This policy governs the use of Portable Audio/Video Recorder's in the course of official duties. It does not apply to the use of squad-based (dash-cam) recording systems. The Sheriff or sheriff's designee may supersede this policy by providing specific instructions for Portable Audio/Video Recorder use to individual deputies, 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 Portable Audio/Video Recorder use to deputies assigned to specialized details such as carrying out duties in courts or guarding prisoners or patients in hospitals and mental health facilities.

426,1.1 DEFINITIONS (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. (c) Law enforcement-related information means information captured or available for capture by or on behalf of a portable Audio/Video Recorder 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 deputy. (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.

coDvrioh Lexipol, LLC 2020-05-06, All Rights Reserved. Furler, with permission by Aitkin County Sheriffs office Portable Audio/Video Recorders - 1 Aitkin County Sheriffs Office Aitkin Cnty SO Policy Manual (0 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' (g) Unintentionally recorded footage is a video recording that results from a deputy's inadvertence or neglect in operating the deputies Portable Audio/Video Recorder, provided that no portion of the recording has evidentiary value' Examples of unintentionally recorded footage include, but are not limited to, recordings made in station house locker rooms, 1. "ittoorr, and recordings made while deputies 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 deputy is on duty and performing authorized law enforcement services on behalf of this agency' 426.2 POLICY It is the policy of the Aitkin county sheriff's office to authorize and require the use of office issued portable Audio/Video Recorder,s as set forth below, and to administer portable Audio/ Video Recorder data as provided by law. All recordings made by members on any office-issued device at any time or while acting in an official capacity of this office, shall remain the property of the office. Members shall have no expectation of privacy or ownership interest in the content of these recordings. USE AND DOCUMENTATION (a) Deputies may use only office-issued Portable Audio/Video Recorder's in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of the Aitkin county sheriff's office. (b) Deputies who have been issued a Portable Audio/Video Recorder shall operate and use them consistent with this policy. Deputies shall conduct a function test of their issued portable Audio/Video Recorder at the beginning of each shift to make sure the devices are operating properly' Deputies noting a malfunction during testing or at any other time shall promptly report the malfunction to the deputy's supervisor and shall document the report in writing. Supervisors shall take prompt action to address malfunctions and document the steps taken in writing. If the Portable Audio/Video Recorder cannot be returned to full working condition, it shall be removed from service for repair and the deputy may use one of their issued Portable Audio/ Video Recorder is repaired' (c) Deputies should wear their issued Portable Audio/Video Recorders at the location on their body and in the manner specified in training' (d) Deputies must document Portable Audio/Video Recorder use and non-use as follows: 1. Whenever a deputy makes a recording, the existence of the recording shall be documented in an incident report of Portable Audio/Video Recorders 426.3 copyright Lexipol, LLC 2020 to 5/10/2021 All Rights Reserved' published with permission by Aitkin County Sheriff's Office Portable Audio/Video Recorders - 2 Aitkin County Sheriff's Office Aitkin County SO Policy Manual Portable Audio/Video Recorders 2. Whenever a deputy fails to record an activity that is required to be recorded under this policy or captures only a part of the activity, the deputy must document the circumstances and reasons for not recording in an incident report' supervisors shall review these reports and initiate any corrective action deemed necessary. (e) The office will maintain the following records and documents relating to Portable Audio/ Video Recorder use, which are classified as public data: 1. The total number of Portable Audio/Video Recorder's owned or maintained by the agency' 2. A record of the total number of Portable Audio/Video Recorder's actually deployed and used by deputies' 3. The total amount of recorded Portable Audio/Video Recorder data collected and maintained; and 4. This policy, together with the Records Retention Schedule. 426.4 GENERAL GUIDELINES FOR RECORDING (a) Deputies shall immediately activate their Portable Audio/Video Recorder 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, deputies

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 UsL and Documentation guidelines, part (DX2) (above) (b) (c) (d) (e) Deputies have discretion to record or not record general citizen contacts' Deputies have no affirmative duty to inform people that a Portable Audio/Video Recorder is being operated or that the individuals are being recorded' Once activated, the Portable Audio/Video Recorder 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 deputy/ investigator 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, deputies shall state the reasons for ceasing the recording on camera before deactivating their Portable Audio/Video Recorder' If circumstances change, deputies shall reactivate their cameras as required by this policy to capture information having evidentiary value' Deputies shall not intentionally block the Portable Audio/Video Recorders audio or visual recording functionality to defeat the purposes of this policy' Copyright Lexipol, LLC 2020105106, All Rights Reserved' Furnished with permission by Aitkin County Sheriff's Office Portable Audio/Video Recorders - 3 Aitkin County Sheriff's Office Aitkin County SO Policy Manual 1. Deputies have the discretion of utilizing the mute function on the Portable Audio/Video Recorder when having conversations regarding tactics, operations planning or anything regarded as private and/or confidential. (0 Notwithstanding any other provision in this policy, deputies shall not use their Portable Audio/Video Recorders 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 activities, unless recording is authorized as part of an administrative or criminal investigation' 426.4,1 SPECIAL GUIDELINES FOR RECORDING Deputies may, in the exercise of sound discretion, determine:

(a) Use their Portable Audio/Video Recorder 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'

(b) Use their Portable Audio/Video Recorder 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' Portable Audio/Video Recorders In addition, (a) Deputies 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, Portable Audio/Video Recorder's 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'

(b) Deputies shall use their Portable Audio/Video Recorder's on 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 deputy anticipates witnessing a criminal event or being involved in or witnessing an adversarial encounter or use-of force incident' 426.5

DOWNLOADING AND LABELING DATA (a) Each deputy using a portable Audio/Video Recorder is responsible for transferring or uploading it to the cloud by the end of their shift- However, if the deputy is involved in a shooting, in custody

death, or other law enforcement activity resulting in death or great bodily harm' a supervisor shall take custody of the deputy's Portable Audio/Video Recorder and assume responsibility for transferring the data from it' (b) Deputies shall tag the portable Audio/Video Recorder data files after the video transfer to storage as soon as practicable, and should consult with a supervisor if in doubt. Lexipol, LLC 2020105106, All Rights Reserved with permission by Aitkin County Sheriffs Office Portable Audio/Video Recorders - 4 Aitkin County Sheriffs Office Aitkin County SO Policy Manual Portable Audio/Video Recorders 426.6 as to the appropriate tags to be used. A few examples listed below but not limited to. Deputies should use any of the following tags as are applicable to each file: 1. Criminal: The information has evidentiary value with respect to an actual or suspected criminal incident or charging decision above the level of Petty Misdemeanor. The recording has potential evidentiary value for reasons identified by the deputy at the time of labeling. Whether or not enforcement action was taken, or not, or if it resulted, a deputy seized property from an individual or directed an individual to dispossess property' 2. Use of Force/Pursuit: whether or not enforcement action was taken or an arrest resulted, the event involved the application of force by a law enforcement deputy of this or another agency' 3. Civil/Non-Criminal: The information is related to a civil/non-criminal event or complaint and no criminal investigative action was taken and/or information was provided to the deputy directing the complainant to seek remedy in civil court' This could include Mental Health cases' 4. Adversarial/Administrative: The incident involved an adversarial encounter or resulted in a complaint against a deputy' 5. Training Value: The event was such that it may have value for training' 6. Unintentional Recording: Footage captured through unintentional activation will be tagged as such for later handling by a supervisor' 7. General: The recording does not contain any of the foregoing categories of information and has no apparent evidentiary value. Recordings of general citizen contacts are not evidence' 8. Search Warrant Entry: This video footage documents the execution of search warrants whether by deputies, Investigator's or the S.E.R.T. Team. 9. K-9 Deployment: This recording is for documenting the use of the K-9 in any event type' 10. Traffic Arrest: The recording is documenting the arrest as a result of a traffic stop whether DWI, warrant or probable cause of traffic violation resulting in an arrest of an individual(s)' 11. Traffic/other citation: The information has evidentiary value where a citation was issued at the time of the contact or was issued after the contact was made and the citation was later issued' (c) Annotating and tagging designations may be corrected or amended based on additional information. ADMINISTERING ACCESS TO PORTABLE AUDIO/VIDEO RECORDING DATA (a) Data subjects. Under Minnesota law, the following are considered data subjects for purposes of administering access to Portable Audio/Video Recorder data: 1. Any person or entity whose image or voice is documented in the data' Lexipol, LLC 2020105106' All Rights Reserved with permission by Aitkin County Sheriffs Office Portable Audio/Video Recorders - 5 Aitkin County Sheriffs Office Aitkin County SO Policy Manual Portable Audio/Video Recorders (b) (c) (d) (e) 2. The deputy who collected the data' 3. Any other deputy whose voice or image is documented in the data, regardless of whether that deputy is or can be identified by the recording. Portable Audio/Video Recorder data is presumptively private' Portable Audio/Video Recorder recordings are classified as private data about the data subjects unless there is a specific law that provides differently' As a result: 1. Portable Audio/Video Recorder data pertaining to people is presumed private, as is portable Audio/Video Recorder data pertaining to businesses or other entities' 2. Some Portable Audio/Video Recorder data is classified as confidential (see c' below). 3. Some Portable Audio/Video Recorder data is classified as public (see d' below)' confidential data. Portable Audio/Video Recorder 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. Public data. The following Portable Audio/Video Recorder 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. 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. 4. 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 officer must be redacted. 4. Data that documents the final disposition of a disciplinary action against a public employee. 5. 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. Access to Portable Audio/Video Recorder data by non-employees' Deputies shall refer members of the public seeking access to Portable Audio/Video Recorder data to Aitkin County Sheriff's Office Records Division, who shall process the request in accordance with the MGDPA and other governing laws. In particular:

1. An individual shall be allowed to review recorded Portable Audio/Video Recorder 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, codified in Lexipol, LLC 2020105106, All Rights Reserved, pursuant to permission by Aitkin County Sheriff's Office Portable Audio/Video Recorders - 6 Aitkin County Sheriff's Office Aitkin County SO Policy Manual Portable Audio/Video Recorders (0 (b) To portions of the data that the office would otherwise be prohibited by law from disclosing to the person seeking access, such as a portion 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. (b) Data that would identify undercover deputies must be redacted. (c) Data on other deputies who are not undercover, and who are on duty and engaged in the performance of official duties, may not be redacted. Access by peace officer and law enforcement employees. No employee may have access to the department's portable Audio/Video Recorder data except for legitimate law enforcement or data administration purposes: 1. Deputies may view stored Portable Audio/Video Recorder video only when there is a business need for doing so. When preparing written reports, members should review their recordings as a resource (See the Officer Involved Shootings and Deaths policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording exists as a reason to write a less detailed report. (a) Deputies are prohibited from reviewing Portable Audio/Video Recorder footage following a police-citizen critical incident that results in great bodily harm or death to a citizen prior to giving a voluntary statement to the investigating authority. (b) Under rare circumstances, when a given fact-set calls for clarification of a critical incident, and with unanimous agreement of the sheriff or his/her designee, the investigating authority, and the prosecuting authority, an involved Deputy may be authorized to review video prior to or during the interview of an incident. In the event that pre-statement portable Audio/Video Recorder footage viewing is authorized, the Sheriff or his/her designee shall make pre-statement review authorization and the reason for the authorization publicly available upon request. 2. Office personnel shall document their reasons for accessing stored Portable Audio/Video Recorder data in the Visual Labs cloud at the time of each access. Once personnel

are prohibited from accessing Portable Audio/Video Recorder data for non-business reasons and from sharing the data for non-law enforcement related purposes, including but not limited to uploading data recorded or maintained by this agency to public and social media websites'

3. Employees seeking access to Portable Audio/Video Recorder data for non-business purposes may make a request for it in the same manner as any member of the Public. Copyright Lexipol, LLC 2020105106, All Rights Reserved with permission by Aitkin County Sheriffs Office Portable Audio/Video Recorders - 7 Aitkin County Sheriffs Office Aitkin County SO Policy Manual Portable Audio/Video Recorders (g) other authorized disclosures of data. Deputies may display portions of Portable Audio/Video Recorder footage to witnesses as necessary for purposes of investigation as allowed by Minnesota Statute 13.82, subd. 15, as may be amended from time to time' Deputies should generally limit these displays in order to protect against the incidental disclosure of individuals whose identities 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, portable Audio/Video Recorder 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.

portable Audio/Video Recorder data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law'

426.6 SPECIAL CONSIDERATIONS OF DATA PRIOR TO RELEASE prior to release of data, a supervisor shall determine if a file is appropriate for release if it contains subjects who may have rights under the MGDPA limiting public disclosure of information about them. These individuals include:

(a) Victims and alleged victims of criminal sexual conduct. (b) Victims of child abuse or neglect' (c) Vulnerable adults who are victims of maltreatment. (d) Undercover officers. (e) Informants. (f) When the video is clearly offensive to common sensitivities' (g) Victims of and witnesses to crimes, if the victim or witness has requested not to be identified publicly. (h) Individuals who called 911, and services subscribers whose lines were used to place (i) a call to the 911 system Mandated reporters' (j) Juvenile witnesses, if the nature of the event or activity justifies protecting the identity of the witness. Juveniles who are or may be delinquent or engaged in criminal acts' Individuals who make complaints about violations with respect to the use of real property. Deputies and employees who are the subject of a complaint related to the events captured on video. Other individuals whose identities the deputy believes may be legally protected from public disclosure. (k) (l) (m) (n) Copyright Lexipol, LLC 2020105106, All Rights Reserved with permission by Aitkin County Sheriffs Office Portable Audio/Video Recorders - 8 Aitkin County Sheriffs Office Aitkin County SO Policy Manual Portable Audio/Video Recorders prior to release of portable Audio/Video Recorder data, the Records Division will consult with the deputy/investigator to ensure that any of the above listed persons are potentially on any footage captured by the Portable Audio/Video Recorder' 426.7 DATA SECURITY SAFEGUARDS (a) All safeguards in place by Visual Labs will meet or exceed required security parameters. In addition: (b) Personally owned devices, including but not limited to computers and mobile devices, shall not be programmed or used to access or view agency Portable Audio/Video Recorder data' (c) Deputies shall not intentionally edit, alter, or erase any Portable Audio/Video Recorder recording unless otherwise expressly authorized by the Sheriff or his/her designee' (d) As required by Minn. Stat. §

13.82, subd. 15, as may be amended from time to time' this agency shall obtain an independent biennial audit of its Portable Audio/Video Recorder program. 426.8 OFFICE USE OF DATA (a) Supervisors will randomly review Portable Audio/Video Recorder usage by each officer to ensure compliance with this policy (b) In addition, supervisors and other assigned personnel may access Portable Audio/Video Recorder data for

Copyright Lexipol, LLC 2020105106, All Rights Reserved with permission by Aitkin County Sheriffs Office Portable Audio/Video Recorders - 8 Aitkin County Sheriffs Office Aitkin County SO Policy Manual Portable Audio/Video Recorders prior to release of portable Audio/Video Recorder data, the Records Division will consult with the deputy/investigator to ensure that any of the above listed persons are potentially on any footage captured by the Portable Audio/Video Recorder' 426.7 DATA SECURITY SAFEGUARDS (a) All safeguards in place by Visual Labs will meet or exceed required security parameters. In addition: (b) Personally owned devices, including but not limited to computers and mobile devices, shall not be programmed or used to access or view agency Portable Audio/Video Recorder data' (c) Deputies shall not intentionally edit, alter, or erase any Portable Audio/Video Recorder recording unless otherwise expressly authorized by the Sheriff or his/her designee' (d) As required by Minn. Stat. §

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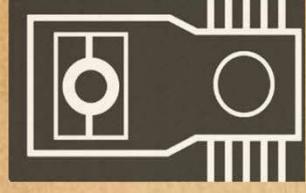
the purposes of reviewing or investigating a specific incident that has given rise to a complainant's concern about deputy misconduct or performance' (c) Nothing in this policy limits or prohibits the use of Portable Audio/Video Recorder data as evidence of misconduct or as a basis for discipline' (d) Deputies should contact their supervisors to discuss retaining and using Portable Audio/Video Recorder footage for training purposes. Deputy objections to preserving or using certain footage for training will be considered on a case-by-case basis' Field training officers may utilize Portable Audio/Video Recorder data with trainees for the purpose of providing coaching and feedback on the trainees' performance'

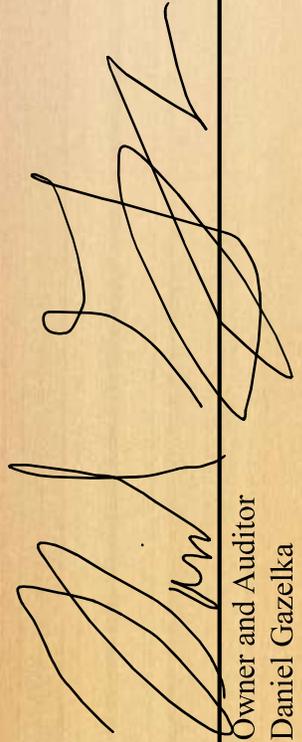
426.9 DATA RETENTION (a) All portable Audio/Video Recorder data shall be retained for a minimum period of 180 days. There are no exceptions for erroneously recorded or non-evidentiary data' (b) Data documenting the discharge of a firearm by a peace deputy in the course of duty' other than for training 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 deputy, or force of a sufficient type or degree to require a use of force report or supervisory review' copyright LexiDol, LLC 2020105106, All Rights Reserved pursuant to permission by Aitkin County Sheriff's Office Portable Audio/Video Recorders - 9 Aitkin County Sheriff's Office Aitkin County SO Policy Manual Portable Audio/Video Recorders (d) 2. Data documenting circumstances that have given rise to a formal complaint against a deputy. 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. subject to Part F (below), all other Portable Audio/Video Recorder footage that is classified as non-evidentiary, becomes classified as non-evidentiary' or is not maintained for training shall be destroyed after 180 days' Upon written request by a Portable Audio/Video Recorder data subject' the office shall retain a recording pertaining to that subject for an additional time period requested by the subject of up to 365 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' (e) (0 426.10 COMPLIANCE Supervisors shall monitor for compliance with this policy. The unauthorized access to or disclosure of portable Audio/Video Recorder data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. stat. s 13'09 and/or Minn' State statute 262.8473.

Certificate of Compliance

*Rampart Defense LLC Presents this
certificate to
Aitkin County Sheriff's Office*

*in Recognition of Successful Completion of the
Biennial 2022 Body Camera Audit in Accordance
with MN Statutes 13.825 & 626.8473*





Owner and Auditor
Daniel Gazelka

Date of Completion December 19th, 2022 _____