



REPORT

TO: Commissioners
FROM: Pat Eliassen
DATE: November 12, 2025
Set a Date for Public Comment to Consider Implementation of Body
SUBJECT: Worn Camera Policy

DESCRIPTION:

Set a Date for Public Comment to Consider Implementation of Body Worn Camera Policy

RECOMMENDATION:

Solicit electronic or mailed submissions of public comment, and set a date for public comment at a regularly scheduled meeting of the Cook County Board of Commissioners to consider implementing the proposed Cook County Sheriff's Office Body Worn Camera Policy.

SUMMARY:

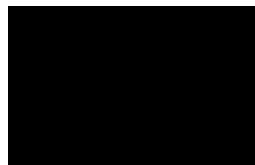
The Cook County Sheriff's Office has been working toward the implementation of a Body Worn Camera (BWC) program. Information about the program and a draft policy were first shared with the Board of Commissioners at the February 18, 2025, Committee of the Whole. Since then, the policy has been vetted through the Cook County Attorney and Cook County Sheriff.

Before the Body Worn Camera policy can be implemented, opportunity for public comment must be given. A copy of the proposed Body Worn Camera (BWC) policy is attached and public comments will be accepted electronically to patrick.eliasen@co.cook.mn.us or by mail to Cook County Sheriff's Office 143 Gunflint Trail, Grand Marais, Minnesota 55604.

Additionally, the Board will provide opportunity for public comment at the regularly scheduled November 25, 2025, meeting at 8:30 a.m.

Cook County Sheriff's Office

Cook County SO Policy
Manual



Body-Worn Cameras

439.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a Body-Worn Camera (BWC) by members of the Cook County Sheriff's Office (CCSO) and for the access, use, and retention of the CCSO BWC media (Minn. Stat. § 626.8473).

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

439.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by CCSO BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the CCSO to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

439.2 POLICY

It is the policy of the CCSO to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and CCSO accountability and transparency while also protecting the privacy of members of the public.

439.3 RESPONSIBILITIES

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439.3.1 COORDINATOR RESPONSIBILITIES

The Sheriff or the authorized designee should delegate certain responsibilities to a BWC Coordinator, who shall be the Chief Deputy (Minn. Stat. § 13.825; Minn. Stat. § 626.8473). The responsibilities of the coordinator include: (a) Serving as a liaison between the CCSO and the BWC manufacturer/distributor and any third-party media storage vendor.

- (b) Developing inventory and documentation procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the CCSO, recording the date each BWC is placed into or taken out of service, and maintaining the following information:
 - 1. The total number of devices owned or maintained by the CCSO
 - 2. The daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used
 - 3. The total amount of recorded audio and video data collected by the BWC media systems and maintained by the CCSO, which total amount of which shall be measured by the number of videos
- (c) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
 - 1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
- (d) Managing BWC media systems so that:
 - 1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned CCSO duties.
 - 2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
 - 3. Procedures include a process created in collaboration with the Cook County Attorney's Office to obtain written authorization for access to non-public data by CCSO members and members of other governmental entities and agencies.
- (e) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.
 - 1. Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and CCSO policy.
- (f) Developing and updating BWC training for members who are assigned to BWC or given access to BWC media systems.
- (g) Coordinating with the Cook County Administrator to:
 - 1. Provide the public with notice of the CCSO's use of BWCs (e.g., posting on the CCSO website or social media pages).
 - 2. Gain insight into community expectations regarding BWC use.

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- (h) Coordinating with the Chief Deputy to (see the CCSO Policy 810 – Criminal History Policy; and CCSO Policy 808 – Records Division Procedures Policy):
 - 1. Determine and apply proper retention periods to BWC media (e.g., firearm discharges, certain use of force incidents, formal complaints).
 - 2. Develop procedures for the appropriate release of BWC media.
 - 3. Ensure procedures comply with the requirements of the Minnesota Government Data Practices Act and other applicable laws; in no event shall the retention periods or procedures contemplate hereinabove conflict with the Minnesota Government Data Practices Act. (Minn. Stat. § 13.01 et seq.).
- (i) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
- (j) Notifying the Bureau of Criminal Apprehension (BCA) within 10 days when new equipment is obtained by the CCSO that expands the type or scope of surveillance capabilities of the CCSO's portable recorders.

439.3.2 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance.

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order. As part of the inspection, the member should perform a function test by activating the BWC and recording a brief video stating their name, identification number, assignment, and the date and time (Minn. Stat. § 13.825, Minn. Stat. § 626.8473).

Members should wear their assigned BWC on their outermost garment and must be positioned at or above the mid-line of the waist (Minn. Stat. § 626.8473). Members are responsible for maximizing the BWC capacity to record video footage of the members' activities.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Members shall document in report and Zuercher any malfunction or damage and also report to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement (Minn. Stat. § 626.8473).

Members shall comply with this policy's provisions while performing law enforcement activities under the command and control of another law enforcement agency (Minn. Stat. § 626.8473).

439.4 BWC USE

The following guidelines apply to the use of BWCs:

- (a) Only CCSO-issued BWCs should be used without the express consent of the Sheriff or the authorized designee (Minn. Stat. § 13.825).
- (b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.

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- (c) The use of CCSO-issued BWCs shall be strictly limited to CCSO-related activities.
- (d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
- (e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Sheriff.

439.4.1 PROHIBITIONS

BWCs should not be used to record:

- (a) Routine administrative activities of the CCSO that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the CCSO has a duty to keep secure (i.e., criminal justice information).
- (b) Areas within the CCSO facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
- (c) Conversations of other members without their knowledge.
- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courtroom unless responding to a call for service or emergency situation.
- (f) Interactions with undercover Deputies or confidential informants.
- (g) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

439.5 ACTIVATION OF BWC

Members shall activate their BWC during all calls for service and the performance of law enforcement-related functions. Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

If a member attempts to activate their BWC but the BWC fails to record an event, the member shall notify their supervisor as soon as practicable and document such notification by report.

439.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

439.5.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate agency interest in recording the event. Members may also mute or deactivate their BWC:

- (a) To protect the privacy of a victim or witness.
- (b) When an individual wishes to provide information anonymously.
- (c) To avoid recording confidential informant or undercover Deputy.
- (d) When discussing case tactics or strategy.
- (e) During private conversations with other members or emergency responders.
- (f) During conversations with Mandated Reporters.

Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible, the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the CCSO's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

BWCs may be deactivated upon arrival at the sally port at the law enforcement center; in discretion of the officer, BWC may be used while in the jail, upon due consideration to respect the privacy of staff and inmates and any need for audio or video footage.

439.5.4 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

- (a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
- (b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event; when not practicable to review all footage prior to creation of report, this explanation shall be provided by supplemental report by the member.
- (c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
- (d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.

439.6 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the CCSO.

Following as soon as practicable, an officer involved shooting or death or other use of force event deemed necessary, a supervisor shall take possession of the BWC for each member present and upload and tag the BWC media.

439.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as pending investigation and shall remain so restricted in accordance with the Minnesota Government Data Practices Act BWC media should be flagged for supervisor review when it pertains to a significant event such as:

- (a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
- (b) When a member has sustained a serious injury, or a line-of-duty death has occurred.
- (c) When a firearm discharge or use of force incident occurs.
- (d) An event that has attracted or is likely to attract significant media attention.

The Sheriff, Chief Deputy, or Jail Administrator should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

439.7 MEDIA

All BWC media is the sole property of the CCSO. Members shall have no expectation of privacy or ownership interest in the content of BWC media; provided that members who are not on-duty

retain the privacy rights as set forth in Minn. Stat. § 13.82, subd. 4(b) and on-duty members retain the protection afforded in Minn. Stat. § 13.82, subd. 17(a).

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the CCSO and shall not be used by the vendor for any purpose without the explicit approval of the Sheriff or authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Sheriff or the authorized designee.

BWC media systems should not be accessed using personal devices unless authorized by the Sheriff or authorized designee.

439.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Criminal Justice Information Email and Data Sharing Policy #950.

BWC media shall only be accessed and viewed for legitimate CCSO-related purposes in accordance with the following guidelines:

- (a) BWC media tagged as restricted should only be accessible by those designated by the Sheriff or the authorized designee unless required by Minnesota Government Data Practices Act or other law or court order.
- (b) Members may review their own BWC media for CCSO-related purposes. Members should document their report if they review BWC media before completing the report.
- (c) Investigators may review BWC media pertaining to their assigned cases.
- (d) A member testifying regarding a CCSO-related event may review the pertinent BWC media before testifying.
- (e) Supervisors, including the Sheriff and Chief Deputy, are permitted to access and view BWC media.
 - 1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
 - 2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with CCSO procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member (Minn. Stat. § 626.8473).
 - 3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.
- (f) The Chief Deputy, Jail Administrator and Sheriff's Technician II are permitted to access and view BWC media for training purposes.

The Chief Deputy and Jail Administrator may use BWC media for training purposes with the approval of the Sheriff or the authorized designee, and may coordinate, including use of BWC media, with the County Attorney or the County Attorney's designee for such training. The Chief Deputy and Jail Administrator should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.

- (g) The Chief Deputy may access BWC media when necessary to conduct CCSO-related duties.
- (h) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.
- (i) Any member who accesses or releases BWC media without authorization may be subject to discipline, including without limitation suspension or dismissal in addition to referral for potential criminal charge(s) (Minn. Stat. § 626.8473).
- (k) BWC media that is not public may be shared with another law enforcement agency, a government entity, or a federal agency upon written authorization by the Sheriff for a specified law enforcement purpose and only when the receiving agency or entity agrees to comply with all data classification, destruction, and security requirements under applicable state, federal and local law.

439.7.2 PUBLIC ACCESS

Except as provided by Minn. Stat. § 13.825, Subd. 2 or pursuant to Minn. Stat. § 13.82, Subd. 15, BWC media is considered private or nonpublic data. The Sheriff or Chief Deputy may release BWC media to the public in accordance with Minnesota State law, including: if the subject of the data requests it be made accessible to the public; if a firearm was discharged and notice is required; certain use of force incidents resulting in substantial bodily harm or death; or a final disposition of disciplinary action against a member. The Sheriff or Chief Deputy may also release BWC media to any person, agency, or the public if the CCSO determines that releasing the media would aid law enforcement, promote public safety, or dispel rumor or unrest.

BWC media that documents an incident in which an individual dies as a result of use of force by a member must be released as public, redacted no more than what is required by law; provided that if the sheriff asserts in writing that the public classification would interfere with an ongoing investigation, the BWC media shall remain classified as criminal investigative data. Additionally, when an individual dies as a result of use of force by a member, BWC media documenting the incident must be made available for inspection, redacted no more than what is required by law, within five days of a request to inspect made by the deceased individual's next of kin, the legal representative of the deceased individual's next of kin, and the other parent of the deceased individual's child.

Unless disclosure is required by law or a court order, BWC media should not be released to the

public if:

- (a) It is clearly offensive to common sensibilities (Minn. Stat. § 13.82, Subd. 7; Minn. Stat. § 13.825, Subd. 2).
- (b) It unreasonably violates a person's privacy or depicts the interior of:
 - 1. A private residence.
 - 2. A facility that offers health care, mental health or substance abuse treatment, or social services.
 - 3. A school building.
 - 4. Any other building in which public access is restricted, or which implicates heightened security concerns.

Any person captured on BWC media may have access to the BWC media. If the individual requests a copy of the BWC media and does not have the consent of other non-on-duty-law-enforcement individuals or non-law-enforcement individuals captured on the BWC media, the identity of those individuals must be blurred or obscured sufficiently to render the person unidentifiable prior to release. BWC media that has been presented as evidence in court is also public.

BWC media that is part of an active criminal investigation are confidential or nonpublic data. CCSO may deny access to BWC footage under Minn. Stat. § 13.825 if there is a compelling reason that inspection would interfere with an active investigation. The identity of on-duty peace officers may not be obscured unless their identity is protected under Minn. Stat. § 13.82, Subd. 17 (Minn. Stat. § 13.825, Subd. 4).

Requests for the release of BWC media shall be processed in accordance with the CCSO Policy 808 – Records Division Procedures Policy. The Chief Deputy should review BWC media before public release.

See the Officer Involved Shooting Policy #310 regarding BWC media requests pursuant to Minn. Stat. § 13.825 relating to deaths by use of force.

439.8 RETENTION OF BWC MEDIA

BWC media may be retained for as long as reasonably necessary for possible evidentiary or exculpatory use related to the incident with respect to which the data were collected. BWC media shall not be altered, erased, or destroyed other than in conformity with this policy. Destruction should occur in a way that prevents recovery.

BWC media must be retained for at least one year and destroyed according to CCSO Policy 808 – Records Division Procedures Policy if the media documents:

- (a) discharge of a firearm in the course of duty;
- (b) use of force that results in substantial bodily harm; or
- (c) a formal complaint is made against the member related to the incident.

BWC media that document a member's use of deadly force must be maintained indefinitely.

All other BWC media that are not active or inactive criminal investigative data must be retained for at least 90 days and destroyed according to CCSO Policy 808 – Records Division Procedures Policy.

If the subject of the BWC media submits a written request, the BWC media shall be retained beyond the applicable retention period, the BWC media shall be retained for an additional period as requested up to 180 days and notification shall be made to the requesting party that the recording will be destroyed unless a new request is made.

439.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established CCSO procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods.

439.9 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

- (a) Proper use of the BWC device and accessories.
- (b) When BWC activation is required, permitted, and prohibited.
- (c) How to respond to an individual's request to stop recording.
- (d) Proper use of the BWC media systems, including uploading and tagging procedures.
- (e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.