

INDEPENDENT AUDIT REPORT

Chief Rob Prescher
Madelia Police Department
116 West Main St.
Madelia, MN 56062

Dear Chief Prescher:

An independent audit of the Madelia Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted of March 31, 2019. The scope of the review was to verify Madelia Police Department's compliance with Minnesota Statutes §§13.825 and 626.8473.

Data elements included in the audit:

Minnesota Statute §13.825

- Data Classification
- Retention of Data
- Access by Data Subjects
- Inventory of Portable Recording System Technology
- Use of Agency-Issued Portable Recording Systems
- Authorization to Access Data
- Sharing Among Agencies

Minnesota Statute §626.8473

- Public Comment
- Body-worn Camera Policy

The Madelia Police Department is located in Watonwan County, Minnesota and employs four full-time peace officers and several part-time officers. The Madelia Police Department utilizes Axon body-worn cameras. BWC data was stored on a local file server through July 2017. Beginning August 2017, data was stored in Evidence.com cloud-based evidence management storage.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

A report produced from Evidence.com on March 31, 2019 for all BWC data collected during the time period August 1, 2017 through December 31, 2018 was created. All data collected during the specified time period is classified as private or non public data. There were no instances where the data was classified as public data. The Madelia Police Department had no incidents of the discharge of a firearm by a peace officer, use of force that resulted in substantial bodily harm,

requests from data subjects for the data to be made accessible to the public, or court orders directing the agency to release the BWC data to the public.

No discrepancies noted.

Audit Requirement: Retention of Data

Determine that the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The Madelia Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in Evidence.com.

At the conclusion of a BWC recording, officers assign meta data, including an Evidence.com category, to the recording. Each Evidence.com category has an associated retention period. Evidence is deleted by the system upon reaching the retention date. The Chief of Police monitors proper categorizing and meta data applied to BWC data, as well as officer use of the system. The Chief of Police receives a 30-day notification of upcoming deletions and reviews all video prior to its deletion. Data stored on the local file server was reviewed and manually deleted by the Chief of Police upon reaching its retention period. Two files with permanent retention currently remain on the local file server.

Twenty-five (25) randomly selected recordings from the Evidence.com Evidence Created Report were reviewed and the date and time the data was created was verified against the deletion date in the audit trail. Each of the 25 records were deleted or maintained in accordance with the record retention. Records selected were from the time period August 1, 2017, through December 31, 2018.

No discrepancies noted.

Audit Requirement: Access by Data Subjects

Determine that individuals who are the subject of collected data have access to the data, and if the data subject requests a copy of the data, other individuals who do not consent to its release must be redacted.

BWC data is available and access may be requested by telephone, email, or in person. During the time period August 1, 2016 through December 31, 2018, Madelia Police Department had no requests from data subjects to review BWC data. The Madelia Police Department had received three requests for copies of BWC data from data subjects. Data subjects other than the requestor were redacted. A copy of the redacted video is maintained in Evidence.com along with the original copy. The Chief of Police is responsible for reviewing all data prior to release.

No discrepancies noted.

Audit Requirement: Inventory of Portable Recording System Technology

Determine the total number of recording devices owned and maintained by the agency; a daily record of the total number of recording devices actually deployed and used by officers, the policies and procedures for use of portable recording systems by required by section 626.8473; and the total amount of recorded audio and video collected by the portable recording system and maintained by the agency, the agency's retention schedule for the data, the agency's procedures for destruction of the data, and that the data are available to the public.

An Inventory Report produced from Evidence.com on March 31, 2019, detailed the number of recording devices owned and maintained by the agency. The report included the device model, serial number, device name, and the officer assigned to the device.

The Madelia Police Department has one or two officers on duty for each day and one officer on duty for each night shift. A review of the Evidence.com Evidence Created Report shows that BWCs are deployed and used by officers on duty on a daily basis.

A copy of the Madelia Police Department's Policy on BWCs is posted on the City's website.

A query report summarizing all BWC data collected and maintained by the Madelia Police Department was produced from Evidence.com and reviewed. The report details the total amount of data created, stored/maintained, and deleted. A review of the local file server showed two files currently maintained on the server. The Madelia Police Department preserves the meta data for the data deleted from the local file server.

The Madelia Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention in Evidence.com.

BWC data is fully deleted electronically from Evidence.com when the scheduled deletion date, based on the category assigned to the data and its associated retention, is reached. BWC data stored on the local file server was manually deleted by the Chief of Police upon reaching its retention period.

BWC data is available upon request, and access may be requested by telephone, email, or in person.

No discrepancies noted.

Audit Requirement: Use of Agency-Issued Portable Recording Systems

Determine if peace officers are only allowed to use portable recording systems issued and maintained by the officer's agency.

The Madelia Police Department's BWC policy states that officers are prohibited from using personally owned recording devices while on duty without the express consent of the Chief of Police and that any officer who uses a personally owned recorder for department-related

activities shall comply with all provisions of the policy. The policy does not prohibit the use of personally owned recording devices while on duty.

One discrepancy noted.

Audit Requirement: Authorization to Access Data

Determine if the agency complies with sections 13.05, Subd. 5, and 13.055 in the operation of portable recording systems and in maintaining portable recording system data.

The Chief of Police reviews meta data assigned to BWC data to ensure accuracy.

User access to BWC data is managed by the assignment of roles and permissions in Evidence.com. Permissions are based on staff work assignments. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law-enforcement-related purposes. The agency's BWC policy governs access to and sharing of data.

When BWC data is deleted from Evidence.com, it's contents cannot be determined. When BWC data is deleted from the local file server, it's contents cannot be determined.

The Madelia Police Department has had no breach of security.

No discrepancies noted.

Audit Requirement: Sharing Among Agencies

Determine if non public BWC data is shared with other law enforcement agencies, government entities, or federal agencies.

The Madelia Police Department's BWC policy allows for the sharing of data with prosecutors and the courts but does not address sharing with other law enforcement or other criminal justice agencies. BWC data that is shared with other agencies is done so by utilizing the Evidence.com share or secure link functionality. Both sharing methods are captured in the Evidence.com audit trail.

No discrepancies noted.

Audit Requirement: Portable Recording System Vendor

Determine if portable recording system data stored in the cloud, is stored in accordance with security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services Division Security Policy 5.4 or its successor version.

An Axon CJIS Compliance White paper outlines the specific security policies and practices for Evidence.com and how they are compliant with the CJIS Security Policy.

Axon has signed the CJIS Security Addendum in all states and has performed statewide CJIS-related vendor requirements in Minnesota. Axon has incorporated the CJIS Security Addendum by reference into the Evidence.com service contract with Madelia Police Department. Axon maintains signed CJIS Security Addendum certification pages for Axon personnel. Authorized Axon personnel are required to complete Level 4 CJIS Security Training upon assignment and biennially thereafter.

No discrepancies noted.

Audit Requirement: Public Comment

Determine if the law enforcement agency provided an opportunity for public comment before it purchased or implemented a portable recording system and if the governing body with jurisdiction over the budget of the law enforcement agency provided an opportunity for public comment at a regularly scheduled meeting.

The Madelia Police Department's BWC system was purchased and implemented prior to the requirement of Minn. Statute § 626.8473, Subd. 2.

No discrepancies noted.

Audit Requirement: Body-worn Camera Policy

Determine if a written policy governing the use of portable recording systems has been established and is enforced.

The Madelia Police Department's BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3.

No discrepancies noted.

This report was prepared exclusively for the City of Madelia and Madelia Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: May 15, 2019

Lynn Lembcke Consulting



Lynn Lembcke