



CITY OF WORTHINGTON

PUBLIC SAFETY



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2/24/2022

Director of Public Safety, James B. Marshall
Marshall Police Department
611 West Main Street
Marshall, MN 56258

Dear Director Marshall:

An audit of the Marshall Police Department's Portable Recording System (body-worn cameras (BWCs) was conducted on February 23, 2022. The objective of the audit was to verify Marshall Police Department's compliance with Minn. Stat. §626.8473 and §13.825.

The Marshall Police Department is in Lyon County, Minnesota and employs twenty-one (21) fulltime peace officers. The Marshall Police Department utilizes WatchGuard body-worn cameras and BWC data is stored on a local file server.

This report was prepared exclusively for the Marshall Police Department by the Worthington Police Department. The findings in this report are impartial and based on information and documentation provided and examined.

Audit Requirements

- **Minnesota Statute §626.8473**
 - Public comment
 - Written policies and procedures required
- **Minnesota Statute §13.825**
 - Data classification
 - Retention data
 - Access by data subjects
 - Inventory of portable recording system technology
 - Authorization of access data
 - Sharing among agencies
 - Biennial audit
 - Notification to BCA
 - Portable recording system vendor
 - Penalties for violation

Minnesota Statute §626.8473

Public Comment:

- *Determine if the law enforcement agency provided an opportunity for public comment prior to purchase and implementation of portable recording system.*

The Marshall Police Department purchased BWC in December 2019 and implemented their use January of 2020. On September 13th, 2019 Captain Wenker gave a radio interview regarding the implementation of the BWC with a local radio station. October 3rd, 2019 from, Captain Wenker along with other administration staff held a public hearing at the Merit Center. This was advertised on the City's and PD's website/Facebook. October 22nd, 2019 Captain Wenker met with the City Council for a regularly scheduled meeting and presented the BWC policy.

- *Determine if the agency accepted electronically submitted or mailed public comments, and that 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 Marshall PD posted their intentions of purchasing BWC to their webpage and Facebook page for public notice and comments. There was a public City Council Meeting held on October 22nd, 2019.

No discrepancies noted.

Written Policies and Procedures Required:

- *Determine if the agency maintains a written policy governing use of body-worn cameras in accordance with Minn. Stat. §626.8473 and if a copy of the written policy is posted on the agency's website.*

The Marshall Police Department uses LEXIPOL for their policy manual. The Portable Audio/Video Recorders Policy 424 was posted to the Marshall Police Departments website.

No discrepancies noted.

Minnesota Statute §13.825

Data Classification

- *Determine if the data collected by body-worn cameras are appropriately classified.*

A file search of the local WatchGuard Server for all BWC data collected during the time period between January 1st, 2020 through February 23, 2022 was conducted. All data collected during this time is classified as private or non-public data. I observed no instances where the data was classified as public data.

The Marshall Police Department had no incidents of a discharged weapon by any of their police officers during this time period. There were no instances documented where the use of force resulted in substantial bodily harm to any subject.

There were no requests from data subjects for data to be made public, or court orders directing the Marshall Police Department to release BWC data to the public.

No discrepancies noted.

Retention of Data

- *Determine if the data collected by body-worn cameras are appropriately retained and destroyed in accordance with statutes and agency retention schedule.*

The Marshall Police Department retains their BWC videos for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

The WatchGuard system automatically captures and records meta data for each recording. This information includes date, time and officer identification

No discrepancies noted.

Access by Data Subjects

- *Determine if data subjects have access to the data, the process individuals use to request the data, how the agency provides access to the data, and how the agency documents the access.*

BWC data is available to data subjects and access may be granted upon written request. During the time period of January 1st, 2020 through February 23, 2022, the Marshall Police Department has not received any such requests.

- *Determine if data subjects who do not consent to the release of data are redacted from copies of the data.*

The Marshall Police Department BWC policy states; "any person captured in a recording may have access to the recording. If the individual requests a copy of the recording and does not have the consent of other non-law enforcement individuals captured on the recording, the identity of those individuals must be blurred or obscured sufficiently to render the subject unidentifiable prior to release".

No discrepancies noted.

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 required by statute 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.*

The Marshall Police Department owns 22 WatchGuard Body Cameras. Each officer is issued their own BWC. A review of data on the WatchGuard server shows the BWC are being checked out and used on a regular basis. The Marshall Police Department's policy states each uniformed officer should wear their BWC whenever in the public. The WatchGuard system records information of all 22 BWC. It provides the total number of BWC videos that were created, stored and maintained on the WatchGuard Server. Access to the BWC data is available to data subjects by written requests.

No discrepancies noted.

Authorization to Access Data

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

The coordinator of the BWC periodically reviews meta data assigned to BWC data to ensure accuracy. User access is documented and logged by the WatchGuard system automatically. The WatchGuard system automatically downloads, all BWC video automatically to a secured server via a local transfer station located in the Patrol Officer's office area. The Marshall Police Department policy addresses the sharing of data and how a data subject can request for access to data. The Marshall Police Department does have a process in place for data requests. The Marshall Police Department has not received any requests for BWC data.

After the 180-day retention period, unless archived, BWC data is automatically purged by the WatchGuard System. Once purged, there is no record of the BWC recording.

The Marshall Police Department has not had any breach of security.

No discrepancies noted.

Use of Agency-Issued Portable Recording Systems

- *Determine if the agency has an established written procedure that ensures law enforcement personnel has access to the body-worn camera data for legitimate, specified law enforcement purposes, if authorized in writing by the head of the agency of their designee.*

The Marshall Police Department policy states officers are only allowed to use department owned BWC issued and maintained by the Marshall Police Department.

No discrepancies noted.

Sharing Among Agencies

- *Determine if nonpublic body-worn camera data that is shared with other law enforcement agencies, government entities, or federal agencies is in accordance with statute.*

The Marshall Police Department's BWC policy prohibits dissemination of BWC data except when permitted under the Minnesota Data Practices Acts exceptions. The Policy does allow for sharing of data with prosecutors and other LE agencies upon written requests.

- *Determine the process other agencies use to request nonpublic data, how the data is provided to them, and how the law enforcement agency documents sharing of data.*

The Marshall Police Department BWC policy 424.8 states BWC data may be released to other agencies authorized under MSS 626.8473 and 13.825. This policy outlines procedures for accessing data and recordings. They include written authorization documentation, logging release of such data.

No discrepancies noted.

Biennial Audit

- *Determine if agency has obtained new surveillance technology beyond the scope of video or audio portable recording systems that would require notification to the BCA within ten days of acquiring to include description of the technology, surveillance capability and intended uses.*

The Marshall Police Department contacted the BCA on October 25, 2019 and notified them of the purchase of BWC.

No discrepancies noted.

Portable Recording System Vendor

- *Determine if portable recording system data stored in the cloud is 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.*

The Marshall Police Department BWC data is stored on a local file server located in a secured area at the Lyon County LE building. Accesses is managed by the WatchGuard system and the BWC Coordinator and the Lyon County IT Coordinator.

No discrepancies noted.

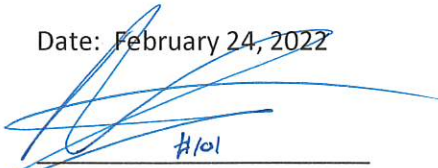
Penalties for Violation

- *Determine if the law enforcement agency is willfully in violation of any section of the statute.*

The Marshall Police Department policy is drafted in a manner to meet statute. Supervisors shall monitor for compliance with this policy. The unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. 13.09.

This report was prepared exclusively for the City of Marshall and Marshall Police Department by Captain Nate Grimmus with the Worthington Minnesota Police Department. The findings in this report are impartial and based on information and documentation provided and examined.

Date: February 24, 2022



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Captain, Nate Grimmus