

INDEPENDENT AUDIT REPORT

Chief Rob Prescher
Madelia Police Department
116 W. 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 on November 12, 2021. The objective of the audit was to verify Madelia Police Department's compliance with Minnesota Statutes §§13.825 and 626.8473.

Data elements the audit includes:

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 Watonwa County, Minnesota and has a population of 2,396. The Madelia Police Department employs four full-time peace officers. During the audit period January 1, 2019, through October 31, 2021, the Madelia Police Department utilized both Axon body-worn cameras with Evidence.com cloud-based evidence management storage and WatchGuard body-worn cameras with local file server storage. The Madelia Police Department is in the process of transitioning from Axon/Evidence.com to WatchGuard /Evidence Library.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

Madelia Police Department BWC data is presumptively private. All data collected during the audit period is classified as private or non-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 and WatchGuard.

At the conclusion of a BWC recording, officers assign meta data including an Evidence.com or WatchGuard category to the recording. Each category has an associated retention period. Upon reaching its retention date, evidence is systematically deleted. Deletion of the data is captured in the Evidence.com audit trail and the WatchGuard server log.

Randomly selected records from Evidence.com and the Evidence Created Report were reviewed, and the date and time the data was created was verified against the deletion date. Each of the records were deleted or maintained in accordance with the record retention. Randomly selected records were verified against audit trail reports, and each record was deleted or maintained in accordance with the record retention. The Madelia Police Department has received no requests from data subjects to retain BWC data beyond the applicable retention period.

The Chief of Police monitor the proper categorization of BWC data to ensure data are appropriately retained and destroyed.

No discrepancies noted.

Audit Requirement: Access by Data Subjects

Determine if 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 to data subjects and access may be requested by submission of a data request form. During the time period January 1, 2019, through October 31, 2021, the Madelia Police Department had received no requests to view BWC data but did fulfill requests for copies of BWC video from data subjects. Data subjects who had not consented to release of the data were redacted. A copy of the redacted Axon video is stored in Evidence.com along with the original copy. The Madelia Police Department had received no requests for a WatchGuard video.

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.

Madelia Police Department's BWC inventory consists of five (5) Axon devices and three (3) WatchGuard devices. An inventory report produced from WatchGuard Evidence Library on November 12, 2021, detailed the number of recording devices owned and maintained by the agency. The inventory included the device name, serial number, date last checked out, officer who last checked it out, and the firmware version.

The Madelia Police Department has established and enforces a BWC policy that governs the use of portable recording systems by peace officers while in the performance of their duties. The Department's BWC policy requires officers to make sure their BWC is in good working order. Peace officers noting a malfunction at any time are required to promptly report the failure to the Police Sergeant or Chief of Police. Peace officers are trained on the use of BWCs as part of their field training program.

A review of randomly selected dates from the patrol schedule were verified against the Evidence.com Evidence Created Report and confirmed that BWC's are being deployed and officers are activating their BWCs. A review of the total number of BWC videos created per quarter and a comparison of BWC data collected to calls for service shows a consistent collection of BWC data.

Evidence.com queries and the Evidence Created Report detail the total amount of BWC data created, stored/maintained, and deleted. A query in WatchGuard details the total amount of data maintained in WatchGuard Evidence Library. The Madelia Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in Evidence.com and WatchGuard Evidence Library. BWC video is fully deleted from both Evidence.com and WatchGuard upon reaching its scheduled deletion date. Meta data and audit trails are maintained in Evidence.com after deletion of BWC video and audio. Meta data for WatchGuard Evidence Library is not available in WatchGuard Evidence Library after deletion but is maintained on the server log.

BWC data is available upon request, and access may be requested by submission of a data request form.

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 m

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.

No discrepancies 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. The Chief of Police conducts monthly random reviews of BWC videos to ensure BWCs are being utilized in compliance with policy.

User access to BWC data is managed by the assignment of roles and permissions in Evidence.com and WatchGuard Evidence Library. Permissions are based on staff work assignments. The Chief of Police is responsible for assigning roles and permissions. Access to both Evidence.com and WatchGuard Evidence Library is password protected.

The agency's BWC policy governs access to and sharing of data. Madelia Police Department officers may only access BWC data for legitimate law enforcement purposes. Access to BWC data is documented in the Evidence.com audit trail and the WatchGuard Evidence Library audit log.

When BWC data is deleted from Evidence.com and WatchGuard Evidence Library, its contents cannot be determined. The Madelia Police Department has had no security breaches.

No discrepancies noted.

Audit Requirement: Sharing Among Agencies

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

The Madelia Police Department's BWC policy prohibits the dissemination of BWC data, outside of prosecution and discovery requests, without approval and review by the Chief of Police. Agencies seeking access to BWC data submit a written request. Secure electronic sharing of data from Evidence.com and WatchGuard Evidence Library is captured in the audit trail and audit log respectively. Evidence.com Evidence Sharing Audit Report and WatchGuard Cloud Share reports provides documentation of shared data.

No discrepancies noted.

Audit Requirement: Biennial Audit

Determine if the agency maintains records showing the date and time the portable recording system data were collected, the applicable classification of the data, how the data are used, and whether data are destroyed as required.

Evidence.com and the Evidence.com Evidence Created Report document the date and time portable recording system data were collected and deleted per retention. The WatchGuard Evidence Library and a WatchGuard server log report document the date and time portable recording system data was collected, the audit log associated to the data, and the deletion date of the video. All BWC data collected from the time period January 1, 2019, through October 31, 2021, is classified as private or non-public data. The Evidence.com Sharing Audit Report and the WatchGuard Cloud Share reports document how the data are used.

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 Axon Master Services and Purchase Agreement. 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.

A Motorola Solutions CJIS Compliance White paper outlines the specific security policies and practices for Motorola Solutions and how they are compliant with the CJIS Security Policy. Motorola has performed statewide CJIS-related vendor requirements in Minnesota. Motorola maintains CJIS certification for personnel who 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 has established and enforces a BWC policy. 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. The BWC policy is posted on the agency's website.

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: February 22, 2022

Lynn Lembcke Consulting



Lynn Lembcke