

## INDEPENDENT AUDIT REPORT

Chief Keith Hiller  
Owatonna Police Department  
204 E. Pearl St.  
Owatonna, MN 55060

Dear Chief Hiller:

An independent audit of the Owatonna Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on January 14, 2022. The objective of the audit was to verify Owatonna 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 Owatonna Police Department is located in Steele County, Minnesota and employs thirty-five (35) peace officers. The Owatonna Police Department utilizes Visual Labs body-worn cameras and cloud-based evidence management storage. The audit covers the time period December 16, 2019, through December 31, 2021.

### **Audit Requirement: Data Classification**

*Determine that the data collected by BWCs are appropriately classified.*

Owatonna Police Department BWC data is presumptively private. All data collected during the time period December 16, 2019, through December 31, 2021, is classified as private or non-public data. The Owatonna 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 Owatonna Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods for BWC data in Visual Labs. At the conclusion of a BWC recording, officers assign meta data, including a caption, tag, and retention period to the recording. Upon reaching its retention date, evidence is systematically deleted. Deletion/expiry date is captured in the audit log.

Randomly selected audit logs from Visual Labs were reviewed, and the date and time the data was created was verified against the retention and expiry date. Each of the records were accurately deleted or maintained in accordance with the record retention. The Owatonna Police Department has received no requests from data subjects to retain BWC data beyond the applicable retention period.

Police Captains and Sergeants monitor the proper assignment of meta 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 an Owatonna Police Department Portable Recording System Data Release Form. During the time period December 16, 2019, through December 31, 2021, the Owatonna 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. Requests for copies of BWC data are documented on an Excel spreadsheet, and a copy of the release form is maintained in the case file.

*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.*

Owatonna Police Department's BWC inventory consists of twenty-seven (27) devices. Inventory is maintained on an Excel spreadsheet.

The Owatonna 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 conduct a function test of their BWC at the beginning of each shift to make sure the device is operating properly. Peace officers noting a malfunction are required to promptly report the malfunction to their supervisor and complete necessary Fleet Maintenance or Information Technology Support requests. Peace officers were trained on the use of BWCs by a Police Captain and Visual Labs. New officers are trained as part of their field training program.

A review of randomly selected dates from the patrol schedule were verified against data stored in Visual Labs and confirmed that BWC's are being deployed and officers are wearing and activating their BWCs. A comparison of the total number of BWC videos created per year to the total number of calls for service per year shows a consistent collection of BWC data. Reports produced from Visual Labs document a total count of videos created per officer.

Reports produced from Visual Labs detail the total amount of BWC data created, stored/maintained, and deleted. BWC audio/video is fully deleted from Visual Labs upon reaching the scheduled expiration date. Meta data and audit logs are permanently maintained in Visual Labs.

BWC data is available upon request, and access may be requested by submission of a Portable Recording System Data Release 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 maintained by the officer's agency.*

The Owatonna Police Department's BWC policy states that officers may use only Agency-issued portable recording devices in the performance of official duties for the Agency or when

otherwise performing authorized law enforcement services as an employee of the Agency.

*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.*

Captains and Sergeants conduct random reviews of BWC data to ensure accuracy of meta data and compliance with policy.

User access to BWC data is managed by the assignment of roles and permissions in Visual Labs. Permissions are based on staff work assignments. Access to Visual Labs is password protected and requires dual authentication.

The agency's BWC policy governs access to and sharing of data. Owatonna Police Department personnel may only access and share BWC data for legitimate law enforcement or data administration purposes. Access to BWC data within Visual Labs requires users to enter a justification for the access. Access is captured in the audit log.

When BWC data is deleted from Visual Labs, its contents cannot be determined. The Owatonna Police Department has had no security breaches. A BCA CJIS security audit was conducted in June of 2020.

*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 Owatonna Police Department's BWC policy allows for the sharing of data with other law enforcement agencies for legitimate law enforcement purposes only and for the sharing of data with prosecutors, courts and other criminal justice entities as provided by law. Agencies seeking access to BWC data submit a written request. The written request is maintained in the case file. The download and electronic sharing of data within Visual Labs is captured in the audit log.

*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.*

The date and time portable recording system data was collected and deleted is accessible in Visual Labs. All BWC data collected from the time period December 16, 2019, through December 31, 2021, is classified as private or non-public data. The Audit Log Report within Visual Labs and an Excel spreadsheet document how the data are used. The audit log is maintained in Visual Labs after deletion of BWC video. The Visual Labs audit log documents each and every action taken from the creation of the recording to its deletion, as well as access of the audit log after BWC data has been deleted.

*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.*

Visual Labs BWC data is stored in the Microsoft Azure Government Cloud. Microsoft and Visual Labs appear on the BCA Vendor Screening Program list of approved and screened vendors and are vetted in accordance with the security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services Division Security Policy.

*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 City of Owatonna solicited for public comment by media release on October 31, 2019. The Owatonna City Council held a public hearing at their November 19, 2019, meeting and approved the purchase of a body worn camera system. The body worn camera system was implemented December 16, 2019.

*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 Owatonna 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 Owatonna and Owatonna Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: February 14, 2022

Lynn Lembcke Consulting



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Lynn Lembcke