

INDEPENDENT AUDIT REPORT

Chief Nicole Young-Mattson
Virginia Police Department
327 1st St. S.
Virginia, MN 56792

Dear Chief Young-Mattson:

An independent audit of the Virginia Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on March 11, 2022. The objective of the audit was to verify Virginia 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 Virginia Police Department is located in St. Louis County and employs twenty-four (24) peace officers. The Virginia Police Department utilizes WatchGuard BWCs, and BWC data is stored on a local file server. The audit covers the time period December 4, 2019, through February 28, 2022.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Virginia Police Department BWC data is presumptively private. All data collected during the audit period is classified as private or non-public data. The Virginia 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 if the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The Virginia Police Department utilizes the General Records Retention Schedule for Minnesota Cities and an agency specified retention period in WatchGuard Evidence Library. At the conclusion of a BWC recording, a WatchGuard category type is assigned. Each WatchGuard category has an associated retention period of three hundred sixty-five (365) days. Upon reaching the retention date, data is systematically deleted.

Randomly selected videos from a server Purged Vista Events Report were verified against the record purge date. Several records were purged prior to the WatchGuard three hundred sixty-five (365) day retention period but were maintained for the minimum ninety (90) days required by statute and the Records Retention Schedule. Records selected were from the time period December 4, 2019, through February 28, 2022. Deleted BWC video, meta data, and audit trails are not accessible in the WatchGuard Evidence Library.

Active BWC data is accessible in the WatchGuard Evidence Library. The server log maintains a listing of all active and deleted BWC data with associated meta data.

The Virginia Police Department has received no requests from data subjects to retain BWC data beyond the applicable retention period.

Supervisors and the Administrative Assistant monitor BWC data for proper categorization to ensure BWC 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 written request. During the time period December 4, 2019, through February 28, 2022, the Virginia Police Department had received both requests to view and a request for a copy of BWC data from a data subject. Data subjects who did not consent to the release of data were redacted.

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.

Virginia Police Department's BWC inventory consists of twenty-four (24) devices. Device inventory is maintained in WatchGuard and an Excel spreadsheet. Devices are assigned to officers.

The Virginia 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 policy requires officers to confirm the BWC system is operational in accordance with manufacturer specifications and department operating procedures and training. Malfunctions, damage, loss or theft of BWC equipment must be immediately reported to the on-duty supervisor.

Peace officers were trained on the use of the BWC system during implementation. New officers are trained as part of their field training program.

A review of randomly selected dates from the patrol schedule were verified against the Vista Active and Purged Event Reports and confirmed that recording devices are being deployed and activated by officers. A review of the total number of BWC videos created per quarter and a comparison to calls for service shows a consistent collection of BWC data.

The total amount of active data is accessible in the WatchGuard Evidence Library. The total amount of active and deleted data is documented in the server Active and Purged Vista Event Reports.

The Virginia Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention in WatchGuard. BWC video is fully deleted from the local file server upon reaching the retention period. Meta data information is maintained on the server. BWC data is available upon request, and access may be requested by submission of a written request.

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 Virginia Police Department's BWC policy states that officers are required to use department-issued BWCs and prohibits officers from using personally owned devices.

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.

Supervisors conduct reviews of BWC videos to ensure proper labeling.

User access to BWC data is managed by the assignment of group roles and permissions in WatchGuard. Permissions are based on staff work assignments. Access to WatchGuard Evidence Library is password protected. The agency's BWC policy governs access to and sharing of data with prosecutors. Agency personnel are authorized to access BWC data for official law enforcement purposes only. Access to data is captured in the audit trail.

When BWC video is deleted from WatchGuard Evidence Library and the server, its contents cannot be determined.

The Virginia Police Department has had no security breaches. A BCA CJIS security audit was conducted in January of 2019.

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 Virginia Police Department's BWC policy allows for the sharing of data with prosecutors. The policy does not address the sharing of BWC data with other law enforcement agencies. The Virginia Police Department requires a written request from agencies seeking access to BWC data. Written requests are maintained in the Records Management System and a data request folder. BWC data is shared using iCrimeFighter software. Sharing of data is documented in the Records Management System and iCrimeFighter.

Discrepancy 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 WatchGuard Evidence Library and the server Active and Purged Event Reports document the date and time portable recording system data was collected, the retention period of the data, the data purge date, and the audit log associated to the data. The Records Management System and iCrimeFighter software document how the data are used and shared.

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.

Virginia Police Department's BWC data is stored on a local file server. The server is located in a secure area and is password protected.

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 Virginia Police Department held town hall meetings on January 31, 2017, and March 15, 2017, to solicit for public comment. The Virginia City Council held a public hearing at their November 14, 2017, council meeting. The body camera program was implemented on December 4, 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 Virginia 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 of the minimum requirements of Minn. Stat. § 626.8473, Subd. 3 (b).

No discrepancies noted.

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

Dated: April 25, 2022

Lynn Lembcke Consulting

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