

## INDEPENDENT AUDIT REPORT

Chief Ken Schule  
Montevideo Police Department  
103 Canton Ave., Box 517  
Montevideo, MN 56265

Dear Chief Schule:

An independent audit of the Montevideo Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted of September 23, 2022. The objective of the audit was to verify Montevideo 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 Montevideo Police Department is located in Chippewa County, Minnesota and employs eleven (11) peace officers. The Montevideo Police Department utilizes WatchGuard BWCs. BWC data is stored on a local file server. The audit covers the time period August 28, 2020, through September 15, 2022.

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

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

BWC data is presumptively private. All data collected by the Montevideo Police Department during the time period August 28, 2020, through September 15, 2022, is classified as private or non-public data. The Montevideo Police Department had no instances of the discharge of a firearm by a peace officer in the course of duty, use of force by a peace officer 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 Montevideo Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in the WatchGuard software system.

At the conclusion of a BWC recording, a category type is assigned. Each category type has an associated retention period. Upon reaching the retention date, data is systematically deleted. Active WatchGuard BWC data is accessible in the WatchGuard Evidence Library. Randomly selected videos from a server log report of active Vista events were verified against the scheduled deletion date, and each record was scheduled for deletion in accordance with the record retention schedule. Randomly selected videos from a WatchGuard server Event Purge Report were verified against the record purge date, and each record was deleted in accordance with WatchGuard retention. All data was maintained for at least the minimum 90 days required by statute. Deleted BWC video, meta data, and audit trails are not accessible in the WatchGuard Evidence Library.

Police 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 City of Montevideo data request form. During the audit period, the Montevideo 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 the release of data were redacted. Requests for access to BWC data are documented in the Records Management System dissemination log. Data request forms are 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.*

Montevideo Police Department's WatchGuard BWC inventory consists of eight (8) devices. Officers check out a BWC at the beginning of their shift using WatchGuard software. Devices are returned to the docking station at the end of the officer's shift.

The Montevideo Police Department's policy 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 ensure the BWC is in good working order at the start of their shift. Peace officers noting a malfunction during testing, or at any other time, are required to promptly report the malfunction to their supervisor.

Peace officers are trained on policy and the use of portable recording systems as part of their field training program.

Officers working on randomly selected dates from the patrol schedule were verified against the Vista Events server log reports and confirmed that BWC are being deployed and officers are wearing and activating their BWCs. A review of the total number of videos created per quarter and a comparison to calls for service shows that BWC data is being consistently collected.

The total amount of active BWC data is accessible in the WatchGuard Evidence Library. Total amount of deleted data is documented in the Event Purge server log report. The Montevideo Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention in WatchGuard. BWC video is fully deleted from WatchGuard and the local file server upon the scheduled deletion date. Meta data is maintained on the server after deletion of BWC video.

BWC data is available upon request, and access may be requested by submission of a City of Montevideo 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 maintained by the officer's agency.*

The Montevideo 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 Watch Commander.

*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 and Sergeants conduct reviews of BWC data to ensure accuracy and compliance with policy.

Nonpublic BWC data is only available to persons who work assignment reasonably requires access to the data. User access to BWC data is managed by the assignment of group roles and permissions in WatchGuard. Permissions are based on staff work assignments. User access is managed by the Chief of Police and the Administrative Assistant.

The agency's BWC and Records Maintenance and Release policies govern access to and sharing of data. Access to data is captured in the audit log. Agency personnel may access BWC data only when there is a business need for doing so. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing data for non-law-enforcement-related purposes. Access to data is captured in the audit log. When BWC data is deleted from WatchGuard, its contents cannot be determined.

The Montevideo 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 Montevideo Police Department's BWC policy allows for the sharing of data with other law enforcement agencies and prosecutors, courts and other criminal justice entities as provided by law. Sharing of data is documented in in the Records Management System dissemination log. Montevideo Police Department maintains written requests for BWC data in the case file.

*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 WatchGuard Evidence Library and the server log reports documents the date and time portable recording system data was collected and the retention period of the data. The Evidence Library audit log and the Records Management System dissemination log 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.*

Montevideo Police Department's BWC data is stored on a local file server. The server is located in a secure area, and access to the server is password protected. The server is backed up daily.

*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 Montevideo Police Department's BWC system was implemented prior to the requirement of Minn. Statute § 626.8473, Subd. 2. The Montevideo City Council approved the purchase of the WatchGuard BWC system at their January 6, 2020, meeting.

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

Dated: November 1, 2022

Lynn Lembcke Consulting

*Lynn Lembcke*

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Lynn Lembcke