

CITY OF LA CRESCENT

Department of Police

Chief Luke M. Ahlschlager



November 22, 2022

Honorable Mayor and City Council Members

City Administrator Bill Waller

RE: Body Worn Camera (BWC)
Mandatory Biennial Independent Audit Report

Attached is an independent audit of the La Crescent Police Department's Body Worn Camera (BWC) system as required by Minnesota Data Practices State Statute.

MN State Statute 13.825.9 states the following:

Biennial audit. (a) A law enforcement agency must maintain records showing the date and time portable recording system data were collected and the applicable classification of the data. The law enforcement agency shall arrange for an independent, biennial audit of the data to determine whether data are appropriately classified according to this section, how the data are used, and whether the data are destroyed as required under this section, and to verify compliance with subdivisions 7 and 8. If the governing body with jurisdiction over the budget of the agency determines that the agency is not complying with this section or other applicable law, the governing body may order additional independent audits. Data in the records required under this paragraph are classified as provided in subdivision 2.

(b) The results of the audit are public, except for data that are otherwise classified under law. The governing body with jurisdiction over the budget of the law enforcement agency shall review the results of the audit. If the governing body determines that there is a pattern of substantial noncompliance with this section, the governing body must order that operation of all portable recording systems be suspended until the governing body has authorized the agency to reinstate their use. An order of suspension under this paragraph may only be made following review of the results of the audit and review of the applicable provisions of this chapter, and after providing the agency and members of the public a reasonable opportunity to respond to the audit's findings in a public meeting.

(c) A report summarizing the results of each audit must be provided to the governing body with jurisdiction over the budget of the law enforcement agency, to the Legislative Commission on Data Practices and Personal Data Privacy, and to the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over data practices and public safety issues no later than 60 days following completion of the audit.

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I am pleased to report the La Crescent Police Department's BWC program was in compliance, with one discussion topic related to Portable Recording System Data (BWC Video) currently being retained and data being deleted. Any BWC Video not pertinent to a specific case must be destroyed after 90 days have elapsed.

The BWC software program (WatchGuard) automatically deletes inactive BWC Video after 90 days. The department at times needs to bypass this automatic deletion for active cases and for other mandatory BWC Video retention periods, specified by state statute. For these active cases, they are saved in a separate drive for reasons related to retention and server space management. The department is working on ways to refine its retention and deletion protocols of these cases that ultimately will go inactive.

It is mandated a copy of the report be presented to La Crescent City Council and further reported to the Minnesota Legislative Commission on Data Practices and Personal Data Privacy within 60 days of completion.

Respectfully,

A handwritten signature in black ink, appearing to read 'L. Ahlschlager', written in a cursive style.

Luke M. Ahlschlager

Chief of Police