

INDEPENDENT BODY WORN CAMERA AUDIT REPORT

Chief Luke Ahlschlager
La Crescent Police Department
315 Main St.
La Crescent, MN 55947

Dear Chief Ahlschlager:

An independent audit of the La Crescent Police Department's Portable Recording System/Body Worn Cameras (BWCs) was conducted on November 5, 2022. The objective of the audit was to verify La Crescent Police Department's compliance with Minnesota Statutes §§13.825 and 626.8473.

Data elements this 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 La Crescent Police Department is located in Houston and Winona Counties, Minnesota and employs eleven (11) peace officers. The La Crescent Police Department utilizes WatchGuard Vista body-worn cameras and software and stores the BWC data on a stand-alone computer and on a secured external hard drive.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

BWC data is presumptively private. All data collected by the La Crescent Police Department during the time period January 1, 2021, through November 5, 2022, is classified as private or nonpublic data. The La Crescent Police Department had no instances of the discharge of a firearm by a peace officer in the course of duty or the use of force by a peace officer that resulted in substantial bodily harm. The La Crescent Police Department received one request from a data subject to make BWC data public. The case involved juveniles and the requested party was allowed to see their own juvenile and the rest of the parties were redacted. This information was

documented in the case file of the incident. No court orders to make BWC data public had been received by the La Crescent Police Department in that time frame.

No discrepancies noted in this requirement.

Audit Requirement: Retention of Data

Determine that the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The La Crescent 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 WatchGuard category type is assigned. Each WatchGuard category type has an associated retention period of 90 days. BWC data related to criminal investigations, arrests, and traffic violations are saved to the secured external hard drive and sent to the County Attorney or City Attorney for prosecution. The case file is kept on the secured external hard drive until disposition on the case has been reached by the court. The item is then deleted from the secured external hard drive when the case is resolved. Only Administration are allowed to delete the case file from the external hard drive. When the case is deleted, it is documented in the case file.

Upon reaching the 90-day retention date, data is systematically deleted from the WatchGuard Library. Upon disposition by the Court, files saved on the secured hard drive are deleted from that drive. Active BWC data is accessible in the WatchGuard Evidence Library for 90 days. Randomly selected videos from within the WatchGuard Evidence Library were verified against the scheduled deletion date. Each record was scheduled for deletion in accordance with the 90-day record retention schedule. Records selected were from the time period of August 6, 2022, through November 5, 2022. Deleted BWC video, meta data, and audit trails are not accessible in the WatchGuard Evidence Library. Evidence that BWC data was collected is documented in the records management system by the officer recording the video.

Police supervisors and the Records secretary monitor BWC data for proper categorization to ensure BWC data are appropriately retained and destroyed.

No discrepancies noted in this requirement.

Audit Requirement: Access by Data Subjects

Determine that 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, and access may be requested by submission of a data request form. During the time period January 1, 2021, through November 5, 2022, the La Crescent Police

Department had one request to view BWC data. Data subjects other than the requestor (or minor child) were redacted. A copy of the redacted data is maintained on disk in Property Evidence until conclusion of the case. BWC data requests are documented by completion of a supplemental report and in a dissemination log in the records management system. Data request forms are maintained in the records management system. The Chief of Police performs a final review of data prior to its release.

No discrepancies noted in this requirement.

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.

La Crescent Police Department's BWC inventory consists of (9) active devices and is tracked on an Excel spreadsheet. Officers check out a BWC device at the beginning of their shift. A Device Status Report produced in WatchGuard on November 5, 2022, detailed the device status, location, last checkout date, the officer who checked out the device and the last firmware update of devices not in use. Devices not listed on the Device Status Report were checked out by officers.

The La Crescent Police Department BWC policy requires police officers that are issued a BWC to wear the BWC as part of their uniform and to operate and use them consistent with policy. A review of randomly selected dates from the patrol schedule were verified against a WatchGuard Evidence Library report of active data and confirmed that officers are wearing and activating their BWCs. Verified data was from the time period August 6, 2021, through November 5, 2019. The Chief of Police monitors the use of BWCs.

A copy of the most up to date La Crescent Police Department's Policy on BWCs is posted on the City's website.

The total amount of data collected and maintained through January 1, 2021 through November 5, 2022 has to be requested through Watchguard as the retention policy only allows to keep the video for the 90 day retention period. A portion of BWC data is maintained in the WatchGuard Evidence Library for 90 days. Once data has been deleted from the WatchGuard Evidence Library, the stand-alone computer maintains no record of the data.

The La Crescent Police Department utilizes the General Records Retention Schedule for Minnesota Cities and 90-day retention in WatchGuard Evidence Library.

BWC video, associated meta data, and audit trail information is fully deleted from the WatchGuard Evidence Library and stand-alone computer upon the scheduled deletion date. BWC data saved to the secured external hard drive is destroyed by deletion upon disposition of the case through the courts.

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

No Discrepancy noted in this requirement.

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 La Crescent Police Department's BWC policy states that officers may use only department issued BWC's.

No discrepancies noted in this requirement.

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 and the records secretary review meta data assigned to BWC data to ensure accuracy. User access to BWC data is managed by the assignment of group roles and permissions in WatchGuard. Permissions are based on staff work assignments. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law-enforcement-related purposes. The agency's BWC policy governs access to and sharing of data. The BWC policy requires department members to document the sharing of data at the time of disclosure. Access to data is captured in the audit trail and documented in the records management system.

When BWC data is deleted from WatchGuard, its contents cannot be determined. When BWC saved to the secured external hard drive is deleted, its contents cannot be determined.

The La Crescent Police Department has had no security breaches.

No discrepancies noted in this requirement.

Audit Requirement: Sharing Among Agencies

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

The La Crescent 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. Sharing of data is documented in writing at the time of disclosure by supplemental report and in the dissemination log of the records management system. La Crescent Police Department maintains copies of data request forms per retention.

No discrepancies noted in this requirement.

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 agency maintains records showing the date and time portable recording system data were collected for a period of 90 days in the WatchGuard Evidence Library. The Records Management System documents that BWC data was collected. All data is classified as private or non-public data. The Records Management System documents how the data are used/shared. A search of the WatchGuard Evidence Library confirms that data is destroyed from the WatchGuard Evidence Library after reaching the 90-day retention period, and the deleting of BWC cases from the secured external hard drive is documented in the Records Management System case file.

No discrepancies noted in this requirement.

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.

BWC data is stored on a stand-alone computer and saved to a secured external hard drive for cases that are criminal investigations, arrests, and traffic violations. The La Crescent Police Department underwent a BCA Security Audit in July of 2022. User access to WatchGuard is managed by the La Crescent Chief of Police.

No discrepancies noted in this requirement.

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 La Crescent Police Department solicited public comment prior to purchase and implementation of the body worn camera program. The La Crescent City Council held a public hearing and approved the purchase of BWC's at their September 11, 2017, City Council Meeting. The La Crescent City Council held a public hearing at their December 18, 2017, meeting to solicit feedback on the BWC policy. The body worn camera program was implemented January 1, 2018.

No discrepancies noted in this requirement.

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 La Crescent 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 in this requirement.

This report was prepared exclusively for the City of La Crescent and La Crescent Police Department by JT's Professional Consulting LLC. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: November 20, 2022

JT's Professional Consulting LLC



Justin Thorsen