

INDEPENDENT AUDIT REPORT

Chief Justin Heldt
Winsted Police Department
201 1st St. N.
Winsted, MN 55395

Dear Chief Heldt:

An independent audit of the Winsted Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on February 10, 2023. The objective of the audit was to verify Winsted 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 Winsted Police Department is located in McLeod County, Minnesota and is authorized for four (4) peace officers. The Winsted Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period February 1, 2021, through January 31, 2023.

Audit Requirement: Data Classification

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

Winsted Police Department BWC data is presumptively private. All BWC data collected during the audit period is classified as private or non-public data. The Winsted 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 Winsted Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in Evidence.com. At the conclusion of a BWC recording, officers assign meta data, including an Evidence.com category, to the recording. Each Evidence.com category has an associated retention period. Upon reaching its retention date, evidence is systematically deleted. Deletion of the data is captured in the audit trail.

A report was produced from Evidence.com for all BWC data collected during the audit period. Randomly selected records from the Evidence Created Report were reviewed, and the date and time the data was created was verified against the deletion date. Each of the records were deleted or maintained in accordance with the record retention. Randomly selected records were verified against audit trail reports, and each record was deleted or maintained in accordance with the record retention. All records were maintained for at least the minimum ninety (90) days required by statute.

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

The Chief of Police monitors 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 Body-Worn Camera Consent to Release of Private Data form. During the audit period, the Winsted Police Department had received no requests to view BWC data but did receive requests for copies of BWC video from data subjects. Data subjects other than the requestor were redacted. A copy of the redacted video is stored in Evidence.com along with the original copy. An ICR is created to document the release of BWC data. A copy of the data request form is maintained in a data request folder.

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.

Winsted Police Department's BWC inventory consists of six (6) devices. An inventory report produced from Evidence.com detailed the number of recording devices owned and maintained by the agency. The inventory included the device model, device name, serial number, device status, officer assigned to the device, officer badge ID, date of last upload, dock last connected to, date and time last connected to a dock, error status, and firmware version.

The Winsted Police Department's BWC 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 conduct a function test of their BWC at the beginning of each shift and to report any failure to his/her supervisor.

Peace officers were trained on the policy and use of the BWCs during implementation. Newly hired officers are trained as part of their field training program.

Officers working on randomly selected dates, and calls for service for randomly selected dates, were verified against the Evidence Created Report and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs. 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.

Evidence.com queries and the Evidence Created Report detail the total amount of BWC data created, stored/maintained, and deleted.

The Winsted Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in Evidence.com. BWC video is fully deleted from Evidence.com upon reaching its scheduled deletion date. Meta data and audit trails are maintained in Evidence.com after deletion of BWC audio and video.

BWC data is available to data subjects, and access may be requested by submission of a Body-Worn Camera Consent to Release Private Data 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 Winsted Police Department's BWC policy states that peace officers may use only department-issued BWCs in the performance of official duties for the agency or when otherwise performing authorized law enforcement services as an employee of the department.

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 conducts monthly reviews of BWC data to ensure proper categorization and that BWCs are being used in compliance with policy.

Nonpublic BWC data is only available to persons whose work assignment reasonably requires access to the data. User access to BWC data is managed by the assignment of roles and permissions in Evidence.com. Permissions are based on staff work assignments. Roles and permissions are administered by the Chief of Police. Access to Evidence.com is password protected and requires dual authentication.

Winsted Police Department personnel are authorized to access BWC data only when there is a business need for doing so and prohibited from accessing or sharing BWC data for non-law enforcement related purposes. The agency's BWC policy governs access to and sharing of BWC data. The BWC policy requires agency personnel to document their reason for accessing BWC data at the time of each access. Access to BWC data is captured in the audit trail.

The BWC policy states that the unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Statute § 13.09.

The Winsted Police Department has had no security breaches. When BWC data is deleted from Evidence.com, its contents cannot be determined.

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 Winsted 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. Secure electronic sharing of data within

Evidence.com is captured in the audit trail. Sharing of data is documented in the Evidence.com notes and audit trail. An Evidence.com Sharing Audit Report provides documentation of all shared data.

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.

Evidence.com and the Evidence.com Evidence Created Report document the date and time portable recording system data were collected and deleted. All BWC data collected during the audit period, is classified as private or non-public data. The Evidence.com notes and the Evidence.com audit trail document how the data are used. The audit trail is maintained in Evidence.com after deletion of video. The Evidence.com audit trail documents each and every action taken from the creation of the recording to its deletion, as well as access to the audit trail after BWC 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.

An Axon CJIS Compliance White paper outlines the specific security policies and practices for Evidence.com and how they are compliant with the CJIS Security Policy. Axon has signed the CJIS Security Addendum in all states and has performed statewide CJIS-related vendor requirements in Minnesota. Axon has incorporated the CJIS Security Addendum by reference into the Axon Master Services and Purchase Agreement. Axon maintains signed CJIS Security Addendum certification pages for Axon personnel. Authorized Axon personnel are required to complete Level 4 CJIS Security Training upon assignment and biennially thereafter.

Axon appears on the BCA Vendor Screening Program list of approved and screened vendors and is 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 Winsted solicited for public comment on the purchase and implementation of BWCs at their November 7, 2018, meeting and solicited for public comment on the proposed BWC policy at their November 20, 2018, 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 Winsted 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 Winsted and Winsted Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: March 19, 2023

Lynn Lembcke Consulting

Lynn Lembcke

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