



DIVISION OF PUBLIC SAFETY

POLICE DEPARTMENT

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September 28, 2023

Chief, Troy Appel
Worthington Police Department
1530 Airport Road, Suite 300
Worthington, MN 56187

Dear Chief Troy Appel:

An independent audit of the Worthington Police Department's Body-Worn Camera system (BWC) was conducted on September 25th, 2023. This audit was to verify Worthington Police Department's compliance with MSS §13.825 and §626.8473.

The Worthington Police Department is in Nobles County, Minnesota and employs twenty-two (22) full time police officers. The Worthington Police Department uses the WatchGuard body camera system, in which collected data is stored on a secured local file server.

Audit Requirements:

- **Minnesota Statute §626.8473**
 - Public comment
 - Written policies and procedures required

- **Minnesota Statute §13.825**
 - Data classification
 - Retention data
 - Access by data subjects
 - Inventory of portable recording system technology
 - Use of agency-issued portable recording systems
 - Authorization of access data
 - Sharing among agencies
 - Biennial audit
 - Notification to BCA
 - Portable recording system vendor
 - Penalties for violation

Minnesota Statute §626.8473

Public Comment:

- *Determine if the law enforcement agency provided an opportunity for public comment prior to purchase and implementation of portable recording system.*
- *Determine if the agency accepted electronically submitted or mailed public comments, and that the governing body with jurisdiction over the budget of law enforcement agency provided an opportunity for public comment at a regularly scheduled meeting.*

The Worthington Police Department purchased BWCs on April 9, 2019 and implemented their use May 23, 2019. The Worthington Police Department posted their intentions of purchasing BWCs in an article in the local newspaper (<https://www.dglobe.com/news/4525002-worthington-police-officers-begin-wearing-body-cameras>) on November 7, 2018 and also on their FaceBook page. The City of Worthington allotted time in a regularly scheduled City Council meeting for public comments or questions. There was an additional article posted in a local newspaper (<https://www.dglobe.com/news/government-and-politics/4044824-WPD-body-worn-cameras-begin-rolling>) on July 31, 2019 announcing the start of the BWC program.

No discrepancies noted.

Written Policies and Procedures Required:

- *Determine if the agency maintains a written policy governing use of body-worn cameras in accordance with Minn. Stat. §626.8473 and if a copy of the written policy is posted on the agency's website.*

The Worthington Police Department's written policy governing the use of BWCs is contained in policy 105-36 and can be found on the City of Worthington website under the public safety page (www.ci.worthington.mn.us/public-safety) this policy was implemented on May 23, 2019.

No discrepancies noted.

Minnesota Statute §13.825

Data Classification

- *Determine if the data collected by body-worn cameras are appropriately classified.*

A file search of the local WatchGuard server for all BWC data collected during the time period between September 2021 and August 2023 was conducted. All data collected during this time period is classified as private or non-public data. There were no instances where the data was classified as public data. The Worthington Police Department had no incidents of a discharged weapon by any of their officers during this time period. There were no instances documented where the use of force resulted in substantial bodily harm to any subject. There were three requests from data subjects that included BWC data. For each request, the data was redacted according to Minnesota Statute; however, only one request resulted in the subject collecting or reviewing the requested data.

No discrepancies noted.

Retention of Data

- Determine if the data collected by body-worn cameras are appropriately retained and destroyed in accordance with statutes and agency retention schedule.

The Worthington Police Department retains their BWC data for a period consistent with the requirements of their records retention schedule and MSS §13.825 subd. 3.

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|---------------------------------------|--|----------------|
| Traffic Accident | Investigation involving a crash | 7 Years |
| DWI | Arrest for DWI related purposes | 7 Years |
| Domestic Assault | Investigation, scene and/or arrest for domestic assault | 7 Years |
| Assault | Investigation, scene and/or arrest for assault | 7 Years |
| Drug Charge-Seizure/Forfeiture | Investigation, scene and/or arrest for narcotics | 7 Years |
| Evading | Footage of vehicle refusing to stop | 7 Years |
| Evidentiary Interview/Property | Interview captured on BWC | 7 Years |
| Evidence - Criminal | Arrests or referral for charges | 7 Years |
| Evidence – Force | Fleeing in MV, Use of Force, Taser | 7 Years |
| Evidence – Administrative | Critical Incidents, IA Investigations | 7 Years |
| Evidence – Other | Potential Evidentiary Value - TBD | 1 Year |
| Traffic Stop – Citation | Traffic stop resulting in citation issued | 1 Year |
| Non-Evidentiary Interview | Interview captured on BWC | 1 Year |
| Traffic Stop – No Citation | Traffic stop resulting in no citation issued | 90 Days |
| Suspicious Behavior / Vehicle | Police contact to ID person, suspect or related behavior | 90 Days |
| Motorist Assist | Police contact to assist a motorist | 90 Days |
| Test Recording/Training | System check at start of shift; event may have training value | 90 Days |
| Public Nuisance | Ordinance violations or adversarial encounters | 90 Days |
| Alarm | Response, investigation and scene of alarm | 90 Days |
| Other | CFS that doesn't fit in any other category, not known to have evidentiary value, or unintentional recording | 90 Days |

The WatchGuard system automatically captures and records meta data for each recording. This data includes date, time, officer identification, and associated device identification number. The data is then manually classified with an event label which correlates to the retention schedule.

No discrepancies noted.

Access by Data Subjects

- *Determine if data subjects have access to the data, the process individuals use to request the data, how the agency provides access to the data, and how the agency documents the access.*

BWC data is available to data subjects and access may be granted upon completion of the City of Worthington Information Disclosure Request Minnesota Government Data Practices Act found on the City of Worthington website. Requests are then directed to the BWC Coordinator. Access is provided by offering redacted copies of the data and is documented in a file by the BWC Coordinator.

- *Determine if data subjects who do not consent to the release of data are redacted from copies of the data.*

The Worthington Police Department BWC policy 105-36 section 8.5.2 states: unless the data is part of an active investigation, an individual data subject shall be provided with a copy of the recording upon request, but subject to the following guidelines on redaction: Data on other individuals in the recording who do not consent to the release must be redacted.

During the time period September 2021 through August 2023, the Worthington Police Department received three data requests that included BWC data. This data was redacted according to Minnesota Statute; however, only one request resulted in the subject collecting or reviewing the requested data.

No discrepancies noted.

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 required by statute 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.*

The Worthington Police Department owns and operates 13 WatchGuard Body Cameras. Each uniformed officer assigned to patrol duties including patrol supervisors on any regular scheduled shift is equipped with a BWC. A review of the data on the WatchGuard server shows the BWC are being checked out and used on a regular basis. The Worthington Police Department policy states: officers who have been issued BWCs shall operate and use them consistent with this policy. Officers shall conduct a function test of their issued BWC at the beginning of each shift to make sure the devices are operating properly.

The total amount of BWC data collected and maintained by the Worthington Police Department is documented in the WatchGuard system. Once the data has met the requirements of the retention schedule listed above, it is automatically purged from the system. Access to BWC data is available to data subjects by request.

No discrepancies noted.

Use of Agency-Issued Portable Recording Systems

- *Determine if the agency's body-worn camera policy states that while on duty officers are only allowed to use a portable recording system issued and maintained by the officer's agency.*

The Worthington Police Department's BWC policy 105-36 section 5.1 states: Officers may use only department-issued BWCs in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this department.

No discrepancies noted.

Authorization to Access Data

- *Determine if the agency complies with Minn. Stat. 13.05, Subd. 5 and 13.055 in the operation of portable recording systems and in maintaining portable recording system data.*

The BWC Coordinator is defined in Worthington Police policy as the personnel designated by the chief of police, who is trained in the operational use of BWC, storage and retrieval procedures, who assigns, tracks and maintains BWC equipment, oversees needed repairs or replacement equipment through the vendor, controls user rights and access, and acts as a liaison with the vendor. Data requests for BWC footage will also be submitted to the BWC Coordinator.

BWC data collected by the Worthington Police Department is stored on a secured local file server. Policy 105-36 defines the classification of data and retention schedule which is consistent with Minnesota Data Practices. Upon expiration of the data retention schedule BWC data is automatically purged by the WatchGuard System, unless archived. Once purged, there is no record of the BWC recording.

The Worthington Police Department has not had any breach of security.

- *Determine if the agency has an established written procedure that ensures law enforcement personnel has access to the body-worn camera data for legitimate, specified law enforcement purposes, if authorized in writing by the head of the agency or their designee.*

The Worthington Police Department policy 105-36 section 8.6 states: **Access by peace officers and law enforcement employees.** No employee may have access to the department's BWC data except for legitimate law enforcement or data administration purposes; officers shall have access to review the recordings when preparing reports, reviewing statements, or going over court related documentation to help ensure accuracy and consistent accounts, including critical incidents.

Agency personnel shall document their reasons for accessing stored BWC at the time of each access. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law enforcement related purposes, including but not limited to uploading BWC data recorded or maintained by this agency to public and social media websites.

Employees seeking access to BWC data for non-business reasons may make a request for it in the same manner as any member of the public.

No discrepancies noted.

Sharing Among Agencies

- *Determine if nonpublic body-worn camera data that is shared with other law enforcement agencies, government entities, or federal agencies is in accordance with statute.*

Worthington Police Department policy 105-36 section 8.7 states: BWC data may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented in writing at the time of the disclosure; BWC data shall be made available to prosecutors, courts, and other criminal justice entities as provided by law.

No discrepancies noted.

Biennial Audit

- *Determine if the agency maintains records of date and time the portable recording system data was collected, the applicable classification of the data, how the data is used, and if data is destroyed as required.*

The Worthington Police Department utilizes the WatchGuard system which maintains records of the stored BWC data including the date and time the data was collected as well as the applicable classification which correlates to the retention schedule for the data. Once the retention requirements have expired, the data is automatically purged, unless archived, and there is no record of the data. How the data is used is documented under the IR of the LEDS records management system.

No discrepancies noted.

Notification to BCA

- *Determine if agency has obtained new surveillance technology beyond the scope of video or audio portable recording systems that would require notification to the BCA within ten days of acquiring to include description of the technology, surveillance capability and intended uses.*

The Worthington Police Department has not purchased any new technology that would require BCA notification. On August 31, 2021, the Worthington Police Department confirmed with BCA that the use of BWCs would not require BCA notification.

No discrepancies noted.

Portable Recording System Vendor

- *Determine if portable recording system data stored in the cloud is 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.*

The Worthington Police Department BWC data is stored on a local file server located in a secure area of the Prairie Justice Center. Access is managed by the WatchGuard system and the BWC Coordinator.

No discrepancies noted.

Penalties for Violation

- *Determine if the law enforcement agency is willfully in violation of any section of the statute.*

The Worthington Police Department policy is drafted in a manner to meet statute. Policy 105-36 section 12 states: Supervisors shall monitor for compliance with this policy. The unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. 13.09.

No discrepancies were noted through the course of this audit.

This report was prepared exclusively for the City of Worthington and Worthington Police Department by Captain Ryan Hoffmann of the Marshall Police Department. The findings in this report are impartial and based on information and documentation received and examined.

Date: September 28, 2023



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Captain, Ryan Hoffmann