

# INDEPENDENT AUDIT REPORT

Chief Rob Prescher  
Madelia Police Department  
18 Drew Ave. NE  
Madelia, MN 56062

Dear Chief Prescher:

An independent audit of the Madelia Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on June 4, 2024. The objective of the audit was to verify Madelia 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 Madelia Police Department is located in Watonwan County and five (5) full-time peace officers. The Madelia Police Department utilizes Motorola WatchGuard body-worn cameras and Evidence Library software. BWC data is stored in the Motorola Solutions Cloud. The audit covers the time period November 1, 2021, through May 15, 2024.

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

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

BWC data is presumptively private. All BWC data collected during the audit period is classified as private or non-public data. The Madelia 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 Madelia Police Department utilizes the City of Madelia Records Retention Schedule and agency specified retention periods in WatchGuard. At the conclusion of a BWC recording, a WatchGuard category type is assigned. Each WatchGuard category type has an associated retention period. Upon reaching the retention date, data is systematically deleted.

Event log reports of all BWC data collected and deleted during the audit period were produced. Randomly selected records from the purged event log report were reviewed and the date the data was collected was verified against the delete date. Several records with categories of Delete Test and No Category Set were deleted prior to the minimum ninety (90) days required by statute. All other records were deleted in accordance with the record retention schedule and maintained for at least the minimum ninety (90) days required by statute.

Active BWC data is accessible in the WatchGuard Evidence Library. The cloud event log maintains a listing of all active and deleted BWC data with associated meta data.

The Madelia 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.

*Discrepancy 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 Madelia Police Department Records Request form. During the audit period, the Madelia Police Department had received neither requests to view nor requests for copies of BWC video from data subjects.

*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.*

Madelia Police Department's BWC inventory consists of five (5) devices. Device inventory is maintained in Evidence Library. The inventory consists of the device name, serial number, the last checkout date, officer device checked out to, firmware version, early firmware upgrade, and device type.

The Madelia Police Department BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The policy requires officers to ensure their BWC is in good working order prior to going into service. If the recorder is not in working order or the officer becomes aware of a malfunction at any time, they must promptly report the failure to the Police Sergeant or the Chief of Police and obtain a functioning device as soon as reasonably practicable. Peace officers were trained on the use of BWCs by WatchGuard during implementation. Newly hired officers are trained as part of their field training program.

Officers working on randomly selected dates, and randomly selected calls for service, were verified against the event log reports and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs. A comparison between the total number of BWC videos created per quarter and total calls for shows a consistent collection of BWC data.

The total amount of active BWC data is accessible in the WatchGuard Evidence Library. Total amount of active and deleted data is detailed in the cloud event log reports.

The Madelia Police Department utilizes the City of Madelia Records Retention Schedule and agency specified retention in WatchGuard. BWC video is fully deleted upon reaching the scheduled deletion date. Meta data is maintained on the cloud server. BWC data is available upon request, and access may be requested by submission of a Madelia Police Department Records 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 Madelia 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 Chief of Police and that any officer who uses a personally owned recorder for department-related activities shall comply with all provisions of the policy. The policy does not prohibit the use of personally owned recording devices while on duty.

*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 Sergeant conduct reviews of BWC data to ensure proper labeling and that BWCs are being used in 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. Roles and permissions are administered by the Chief of Police. Access to WatchGuard Evidence Library is password protected.

The BWC policy governs access to BWC data. Agency personnel may access BWC data in accordance with statute and the Minnesota Data Practices Act. Access to data is captured in the audit log. The BWC policy states that any member who accesses or releases recordings without authorization may be subject to discipline and that any officer misusing recorded media for other than official law enforcement purposes will be subject to disciplinary action.

When BWC data is deleted, its contents cannot be determined. The Madelia Police Department has had no security breaches. A BCA CJIS Security Audit was conducted in October of 2023.

*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 Madelia Police Department's BWC policy allows for the sharing of data pursuant to lawful process and in accordance with statute and the Minnesota Data Practices Act. Law enforcement agencies seeking access to BWC data are required to submit a written request. Sharing of data is documented in the audit log.

*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 cloud log event reports document the date and time portable recording system data was collected and deleted. All BWC data collected during the

audit period is classified as private or nonpublic data. The WatchGuard Cloud Share report and the audit log document how the data are used.

*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.*

Madelia Police Department's BWC data is stored in the Motorola Solutions Cloud. A Motorola Solutions CJIS Compliance White paper outlines the specific security policies and practices for Motorola Solutions and how they are compliant with the CJIS Security Policy. Motorola has performed statewide CJIS-related vendor requirements in Minnesota. Motorola maintains CJIS certification for personnel who are required to complete Level 4 CJIS Security Training upon assignment and annually thereafter.

*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 Madelia Police Department's BWC system was purchased and implemented prior to the requirement of Minn. Statute § 626.8473, Subd. 2.

*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 Madelia 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 of the minimum requirements of Minn. Stat. § 626.8473, Subd. 3.

*No discrepancies noted.*

This report was prepared exclusively for the City of Madelia and Madelia Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: July 30, 2024

Lynn Lembcke Consulting

*Lynn Lembcke*

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Lynn Lembcke