

# INDEPENDENT AUDIT REPORT

Chief Corey Nellis  
Avon Police Department  
140 Stratford St. E., Box 195  
Avon, MN 56310

Dear Chief Nellis:

An independent audit of Avon Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on March 7, 2025. The objective of the audit was to verify Avon 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

Avon Police Department is located in Stearns County and is authorized for three full-time peace officers. Avon 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 March 23, 2023, through February 15, 2025.

## **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. Avon 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.*

Avon Police Department utilizes the City of Avon Records Retention 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. Records from the purged event log report were reviewed and the date the data was collected was verified against the delete date. Several accidental recordings were deleted in less than the minimum ninety (90) days required by statute. All other records were deleted in accordance with the record retention schedule and retained 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 metadata.

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

The Chief of Police and Administrative Assistant monitor 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 an Avon Police Department Request for Police Department Data form. During the audit period, Avon 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.*

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

Avon 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 conduct a function test of their issued BWC at the beginning of each shift to make sure the device is operating properly. Officers noting a malfunction during testing or at any other time are required to promptly report the malfunction to their supervisor. Peace officers were trained on the use of BWCs by WatchGuard trained trainers, WatchGuard online videos, and user manuals during implementation.

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.

Avon Police Department utilizes the City of Avon Records Retention Schedule and agency specified retention in WatchGuard. BWC video is fully deleted upon reaching the scheduled deletion date. Metadata is maintained on the cloud server. BWC data is available upon request, and access may be requested by submission of an Avon Police Department Request for Police Department 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.*

Avon Police Department's BWC policy states that 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 reviews of BWC data to ensure BWC data is properly labeled 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 and Administrative Assistant. Access to WatchGuard Evidence Library is password protected and requires dual authentication.

The BWC policy governs access to BWC data. Agency personnel may access BWC data only when there is a business need for doing so. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law-enforcement-related purposes. Access to data is captured in the audit log. The BWC policy states 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.

When BWC data is deleted, its contents cannot be determined. Avon Police Department has had no security breaches. A BCA CJIS Security Audit was conducted in July of 2022.

*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.*

Avon Police Department's BWC policy allows for the sharing of data with other law enforcement agencies, prosecutors, courts and other criminal justice entities as provided by law. Law enforcement agencies seeking access to BWC data are required to submit a written request. Sharing of data is documented in WatchGuard Cloud Share and the case file.

*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 event log 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 case file document how the data are used and shared.

*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.*

Avon 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.*

Avon Police Department solicited for public comment by posting on the City's website and Facebook and accepted comments by mail and email. Avon City Council held a public hearing at their March 6, 2023, 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.*

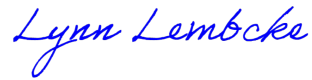
Avon Police Department's BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The policy includes all of the minimum requirements of Minn. Stat. § 626.8473, Subd. 3(b) with the exception of Subd. 3(b)(3). The policy was updated to include all minimum requirements prior to the completion and submission of the final report.

*Discrepancy noted.*

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

Dated: April 16, 2025

Lynn Lembcke Consulting



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Lynn Lembcke