

# INDEPENDENT AUDIT REPORT

Chief Justin Heldt  
Winsted Lester Prairie Police Department  
201 1<sup>st</sup> St. N.  
Winsted, MN 55395

Dear Chief Heldt:

An independent audit of the Winsted Lester Prairie Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on March 4, 2025. The objective of the audit was to verify Winsted Lester Prairie 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

Winsted Lester Prairie Police Department is located in McLeod County, Minnesota and is authorized for seven (7) peace officers. Winsted Lester Prairie Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period February 1, 2023, through February 28, 2025.

## **Audit Requirement: Data Classification**

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

Winsted Lester Prairie Police Department BWC data is presumptively private. All BWC data collected during the audit period is classified as private or nonpublic data. Winsted Lester Prairie 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.*

Winsted Lester Prairie 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 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.

An Evidence Created Report consisting of all BWC data collected during the audit period was produced from Evidence.com. 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 schedule and were maintained for at least the minimum ninety (90) days required by statute. Randomly selected audit trail reports were verified against the Evidence Created Report, and each record was deleted or maintained in accordance with the record retention schedule.

Winsted Lester Prairie 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, Winsted Lester Prairie Police Department had received no requests to view BWC data but did receive and fulfill requests for copies of BWC video from data subjects. Data subjects who had not consented to the release of data 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. The 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 Lester Prairie Police Department's BWC inventory consists of ten (10) 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, officer assigned to the device, date of last upload, and device status.

Winsted Lester Prairie Police Department's 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 BWC at the beginning of each shift to ensure the device is operating properly. If a malfunction is found during testing or at any other time, the officer is required to promptly report the malfunction to their 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 randomly selected dates calls for service, 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 and the Evidence Created Report detail the total amount of BWC data created, stored/maintained, and deleted.

Winsted Lester Prairie 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.*

Winsted Lester Prairie 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.

The agency's BWC policy governs access to BWC data. Agency 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 BWC policy requires agency personnel to document their reason for accessing BWC data at the time of each access. User 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.

When BWC data is deleted from Evidence.com, its contents cannot be determined. Winsted Lester Prairie Police Department has had no security breaches. A BCA CJIS Security audit was conducted in October 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.*

Winsted Lester Prairie Police Department's BWC policy governs the sharing of BWC data. The 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 are required to submit a written request. Sharing of data is captured in the audit trail. An Evidence.com Sharing Audit Report provides documentation of all shared data. Requests are documented in the records management system and request forms are maintained in a request 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.*

Evidence.com and the 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 nonpublic data. The Evidence.com notes and audit trails document how the data are used. The audit trail is maintained in Evidence.com after deletion of video.

*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.

*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.*

Winsted Lester Prairie 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 minimum requirements of Minn. Stat. § 626.8473, Subd. 3(b) that were in effect prior to August 1, 2023, but does not include the requirements that became effective on August 1, 2023. The policy was updated to include all minimum requirements prior to the completion and submission of the final audit report.

*Discrepancy noted.*

This report was prepared exclusively for the Winsted Lester Prairie Police Board and Winsted Lester Prairie Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: March 27, 2025

Lynn Lembcke Consulting

*Lynn Lembcke*

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Lynn Lembcke