

INDEPENDENT AUDIT REPORT

Chief Nicole Young-Mattson
Virginia Police Department
327 1st St. S.
Virginia, MN 56792

Dear Chief Young-Mattson:

An independent audit of Virginia Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on April 23, 2025. The objective of the audit was to verify Virginia 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

Virginia Police Department is located in St. Louis County and employs twenty-two (22) peace officers. The Virginia Police Department utilizes WatchGuard BWCs and Evidence Library evidence management software. BWC data is stored on a local file server. The audit covers the time period March 1, 2022, through April 30, 2025.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Virginia Police Department's BWC data is presumptively private. Data collected during the audit period included both public and private or nonpublic data. Public data resulted from an incident involving the discharge of a firearm by a peace officer and use of force that resulted in substantial bodily harm. The Virginia Police Department had received neither requests from data subjects for the data to be made accessible to the public nor 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 Virginia Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency-specified retention period in WatchGuard. All WatchGuard BWC data has a retention period of three hundred sixty-five (365) days. Upon reaching the retention date, data is systematically deleted.

Server log reports of BWC data collected and deleted from February, 22, 2024 through April 22, 2025 were provided. All BWC data collected since February, 2024, was maintained in accordance with the retention period and for at least the minimum ninety (90) days required by statute. The agency was unable to provide server log reports of BWC data collected and deleted prior to February 22, 2024 due to a crashed server.

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

Supervisors and the Administrative Assistant monitor BWC categorization.

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 written request. During the audit period, the Virginia Police Department received both requests to view and requests for copies of BWC data from data subjects. Data subjects who had not consented to the release of data were redacted. Access to data is documented in the records management system.

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.

Virginia Police Department's BWC inventory consists of twenty-six (25) devices. Device inventory is maintained in WatchGuard Evidence Library. Devices are assigned to individual officers.

The Virginia 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 confirm the BWC system is operational in accordance with manufacturer specifications and department operating procedures and training. Officers noting malfunctions, damage, loss or theft of BWC equipment are required to immediately report it to the on-duty supervisor.

Peace officers were trained in the use of the BWC system during implementation. New officers are trained as part of their sixteen (16)-week field training program.

Randomly selected calls for service were verified against the server log reports 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 shows a consistent collection of BWC data.

The total amount of active data collected since February 22, 2024, is accessible in the WatchGuard Evidence Library. The total amount of active and purged data collected from February 22, 2024, is documented in the server purged event reports and a written document prepared by the Chief of Police.

The Virginia Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in WatchGuard. BWC video is fully deleted from the local file server upon reaching the retention period. BWC data is available upon request, and access may be requested by submission of a written request.

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.

Virginia Police Department's BWC policy states that officers are prohibited from using personally owned BWCs, or those provided by private entities that may be contracting for services, while performing department-authorized law enforcement activities.

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.

Supervisors conduct reviews of BWC videos to ensure BWC data is being properly labeled 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 group roles and permissions in WatchGuard. Permissions are based on staff work assignments. Access to WatchGuard Evidence Library is password protected.

The agency's BWC policy governs access to BWC data. Members may access BWC data in accordance with policy, statute, and the Minnesota Data Practices Act. Access to data is captured in the audit trail. The BWC policy states that any member misusing recorded media for other than official law enforcement purposes will be subject to disciplinary action.

When BWC video is deleted from WatchGuard Evidence Library and the server, its contents cannot be determined.

The Virginia 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 non-public BWC data is shared with other law enforcement agencies, government entities, or federal agencies.

Virginia Police Department's BWC policy governs the sharing of BWC data. BWC data may be shared in accordance with policy, statute, and the Minnesota Data Practices Act. The Virginia Police Department requires a written request from law enforcement agencies seeking access to BWC data. BWC data is shared using iCrimeFighter software. Sharing of data is documented in the iCrimeFighter and the records management system.

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.

WatchGuard Evidence Library and the server log reports document the date and time portable recording system data was collected and deleted. Data collected during the audit period includes both public and private or nonpublic data. The Records Management System and iCrimeFighter

software 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.

Virginia Police Department's BWC data is stored on a local file server. The server is located in a secure area and is password protected.

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 Virginia Police Department held town hall meetings on January 31, 2017, and March 15, 2017, to solicit public comment. The Virginia City Council held a public hearing at their November 14, 2017, council meeting. The body camera program was implemented on December 4, 2019.

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 Virginia Police Department established a BWC policy. 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. Virginia Police Department's BWC policy is posted on the agency's website.

Discrepancy noted.

This report was prepared exclusively for the City of Virginia and Virginia Police Department by

Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: May 28, 2025

Lynn Lembcke Consulting

Lynn Lembcke