

INDEPENDENT AUDIT REPORT

J. D. Carlson
Public Safety Director
Albert Lea Police Department
221 E. Clark St.
Albert Lea, MN 56007

Dear Public Safety Director Carlson:

An independent audit of the Albert Lea Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on March 28, 2024. The objective of the audit was to verify Albert Lea 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 Albert Lea Police Department is located in Freeborn County, Minnesota, and employs twenty-nine (29) peace officers. The Albert Lea Police Department utilizes WatchGuard Vista body-worn cameras and software. BWC data is stored on a local file server. The audit covers the time period June 11, 2021, through January 31, 2024.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

Albert Lea Police Department BWC data is presumptively private. All BWC Data collected during the audit period is classified as private data. The Albert Lea 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 that the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The Albert Lea Police Department utilizes the General Records Retention Schedule for Minnesota Counties 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. Each of the records were deleted in accordance with the record retention schedule. The BWC policy states that BWC data will have a retention period of no less than one hundred eighty (180) days, and three categories have retention periods of ninety (90) days. All BWC data was retained for at least the minimum ninety (90) days required by statute.

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

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

Supervisors monitor BWC data for proper categorization to ensure BWC data are appropriately retained and destroyed.

Discrepancy noted.

Audit Requirement: Access by Data Subjects

Determine that 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 Freeborn County Data/Information Disclosure Request Form. During the audit period, the Albert Lea Police Department had 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 the data were redacted. Request forms are retained as documentation of the request.

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.

Albert Lea Police Department's BWC inventory consists of thirty (30) devices. Device inventory is maintained in WatchGuard and in an Excel spreadsheet.

The Albert Lea Police Department BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The Albert Lea Police Departments BWC policy requires officers to ensure their BWC is in good working order. Officers noting a malfunction at any time are required to promptly notify their supervisor and obtain a functioning device as soon as reasonably practicable. Peace officers were trained on the use of the BWC system by a WatchGuard trainer 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 Evidence Library and the server event log reports and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs. A comparison of the total number of BWC videos created per quarter shows a consistent collection of BWC data.

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

The Albert Lea Police Department utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention in WatchGuard. BWC video is fully deleted from the local file server upon reaching the scheduled deletion date. Meta data information is maintained on the server. BWC data is available upon request, and access may be requested by submission of Freeborn County Data/Information Disclosure 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 Albert Lea Police Department's BWC policy states that officers are to be equipped with a BWC issued by the department and are prohibited from using personally owned recording devices while on duty without the express consent of the Shift Sergeant.

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 monthly reviews of BWC data to ensure videos are properly labeled and that BWCs are being utilized 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 BWC policy governs access to BWC data. Agency personnel may access BWC data for legitimate law enforcement and data administration purposes. BWC data may be accessed only when there is a business need for doing so and in compliance with the Minnesota Data Practices Act. Access to BWC 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.

When BWC data is deleted from WatchGuard, its contents cannot be determined. The Albert Lea Police Department has had no security breaches, and the last BCA CJIS security audit was conducted in September of 2022.

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.

The Albert Lea Police Department's BWC and Records Maintenance and Release policies govern sharing of data. BWC data may be shared pursuant to lawful process and in compliance with the Minnesota Data Practices Act. The Albert Lea Police Department requires a written request from law enforcement agencies seeking access to BWC data. Written request forms are retained as documentation of data sharing.

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 server 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 audit trail and written request forms 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.

Albert Lea Police Department's BWC data is stored on a local file server. The server is located in a secure area, and access to the server 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 Albert Lea Police Department solicited for public comment by publication in the City's official newspaper, on their Facebook page, and on their website. The Albert Lea City Council held a public hearing at their October 22, 2018, meeting. The body worn camera program was implemented in January of 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 Albert Lea 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 included all minimum requirements of Minn. Stat. § 626.8473, Subd. 3 that were in effect prior to August 1, 2023, but does not include the requirements that became effective August 1, 2023.

Discrepancy noted.

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

Dated: June 19, 2024

Lynn Lembcke Consulting



Lynn Lembcke