

# INDEPENDENT AUDIT REPORT

Chief Tim Brenegan  
Wells Police Department  
125 South Broadway  
Wells, MN 56097

Dear Chief Brenegan:

An independent audit of the Wells Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on January 22, 2025. The objective of the audit was to verify Wells 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

Wells Police Department is located in Faribault County, Minnesota and employs six (6) peace officers. Wells Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period May 30, 2022, through December 31, 2024.

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

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

Wells Police Department BWC data is presumptively private. All data collected during the audit period is classified as private or nonpublic data. Wells 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 BWCs are appropriately retained and destroyed in accordance with statutes.*

The Wells 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 metadata, 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. Records with categories of False Activation and Test were retained for less than the ninety (90) days required by statute during the earlier portion of the audit period. The retention period for those categories was increased to the minimum ninety (90) days required by statute in the later portion of the audit period. All other 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.

Wells 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 are redacted.*

BWC data is available to data subjects and access may be requested by submission of a City of Wells Public Data Request Form. During the audit period, the Wells 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.*

Wells Police Department's BWC inventory consists of six (6) devices. An inventory report produced from Evidence.com detailed the total number of recording devices owned and maintained by the agency. The inventory included the device model, serial number, device name, officer assigned to the device, date of last upload, device status, error status, firmware version, warranty date, date last docked, and camera state.

The Wells 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 working correctly and to report any problems to the Chief of Police and obtain a spare device. Peace officers were trained on the use of the BWC system 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.com and the Evidence Created Report and confirmed the deployment and use of BWCs. A review of total BWC videos created per quarter shows a consistent collection of BWC data.

Evidence.com queries and the Evidence Created Report detail the total amount of BWC data created, stored/maintained, and deleted.

Wells 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. Metadata and audit trails are maintained in Evidence.com after deletion of BWC audio and video. BWC data is available upon request, and access may be requested by submission of a City of Wells Public Data 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.*

Wells Police Department's BWC policy states that officers shall only use department approved/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 random reviews of BWC data to ensure BWC data is properly categorized 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 BWC Policy governs access to BWC data. Agency personnel may access BWC data for legitimate law enforcement or data administration purposes and 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. User access to data is captured in the audit trail.

The BWC policy states that if an employee misuses BWC data or intentionally fails to comply with or violates the BWC policy, it will be considered misconduct, and such behavior may be grounds for disciplinary action up to and including discharge and criminal penalties.

When BWC data is deleted from Evidence.com, its contents cannot be determined. Wells Police Department has had no security breaches. A BCA CJIS Security audit was conducted in July of 2024.

*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.*

Wells Police Department's BWC policy governs 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. Law enforcement agencies seeking access to BWC data are required to submit a written request. Sharing of data is captured in the audit trail. The Evidence.com Sharing Audit Report provides documentation of shared data.

*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 audit trails document how data are used. Audit trails are maintained in Evidence.com after deletion of video. Audit trails document each and every action taken from the creation of the recording to its deletion, as well as access to the audit trail after BWC has been deleted.

*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.*

Wells Police Department solicited for public comment by posting in their official publication. Wells Police Department held a public hearing on November 8, 2021, and Wells City Council held at public hearings at their December 13, 2021, and January 24, 2022, council meetings.

*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.*

Wells 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).

*No discrepancies noted.*

This report was prepared exclusively for the City of Wells and Wells 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