

INDEPENDENT AUDIT REPORT

Chief David Bentrud
Waite Park Police Department
19 13th Ave. No. P.O. Box 339
Waite Park, MN 56387

Dear Chief Bentrud:

An independent audit of the Waite Park Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted of October 29, 2019. The objective of the audit was to verify Waite Park 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 Waite Park Police Department is located in Stearns County, Minnesota and employs eighteen (18) peace officers. The Waite Park Police Department utilizes Axon body-worn cameras and utilizes Evidence.com cloud-based evidence management storage.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

Waite Park Police Department BWC data is presumptively private. A report produced from Evidence.com for all BWC data collected during the time period September 1, 2017, through September 30, 2019, was created. All data collected during the specified time period is classified as private or non-public data. There were no instances of data classified as public data. The Waite Park 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 that the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The Waite Park Police Department utilizes the City of Waite Park 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 Evidence.com 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.

Randomly selected records from Evidence.com and 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. Randomly selected records were verified against audit trail reports, and each record was deleted or maintained in accordance with the record retention. Records selected were from the time period September 1, 2017, through September 30, 2019. The Waite Park Police Department has not received a request from a data subject to retain BWC data beyond the applicable retention period.

Police Sergeants monitor officer use to ensure BWC data is captured as required by policy. Sergeants and Records staff monitor the proper categorization to ensure data are appropriately retained and destroyed.

No discrepancies 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 and access may be requested in person and by submission of a data request form. During the time period September 1, 2017, through September 30, 2019, the Waite Park Police Department had no requests to view BWC data but did fulfill requests for copies of BWC video from data subjects. Data subjects other than the requestor were redacted. A copy of the redacted video is stored in Evidence.com along with the original copy. A copy of the request form is maintained per retention. The Records Administrator is responsible for reviewing all data prior to its release.

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.

Waite Park Police Department's BWC inventory consists of 18 devices. An inventory search in Evidence.com on October 29, 2019, detailed the number of recording devices owned and maintained by the agency. The inventory included the device model, serial number, device name, and the officer assigned to the device.

The Waite Park Police Department's BWC policy requires officers to conduct a function test of their BWC at the beginning of each shift. Meta data applied to function tests provides a daily record of the total number of BWC devices deployed. A review of randomly selected dates from the patrol schedule were verified against the Evidence.com Evidence Created Report and confirmed that 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 Waite Park Police Department has established and enforces a BWC policy that governs the use of portable recording systems by peace officers while in the performance of their duties. Peace officers are trained on the use of portable recording systems as part of their field training.

The Evidence.com System Usage Dashboard and Evidence.com queries detail the total amount of BWC data created, stored/maintained, and deleted.

The Waite Park Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in Evidence.com.

BWC data 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 video and audio.

BWC data is available upon request, and access may be requested by submission of a 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.

The Waite Park Police Department's BWC policy authorizes and requires the use of department-issued portable recording systems, and states that peace officers may use only department-issued portable recording systems in the performance of official duties.

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 and Records staff review meta data assigned to BWC data to ensure accuracy.

User access to BWC data is managed by the assignment of roles and permissions in Evidence.com. Permissions are based on staff work assignments. The agency's BWC policy governs access to and sharing of data. Waite Park Police Department personnel are prohibited from accessing or sharing BWC data except for legitimate law enforcement purposes. The BWC policy requires department members to document the purpose for accessing BWC data within Evidence.com. Access documentation is captured in the audit trail.

When BWC data is deleted from Evidence.com, its contents cannot be determined. The Waite Park Police Department has had no breach of security.

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.

The Waite Park Police Department's BWC 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. Secure electronic sharing of data within Evidence.com is captured in the audit trail. An Evidence.com Evidence Sharing Audit Report provides a listing of shared data. Law enforcement agencies requesting access complete a data request form, which is maintained per retention.

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.com Evidence Created Report documents the date and time portable recording system data were collected and deleted per retention. All BWC data collected from the time period September 1, 2017 through September 30, 2019 is classified as private or non-public data. The Evidence.com Sharing Audit Report and the Post Notes field within Evidence.com document how the data are used. The audit trail is maintained in Evidence.com after deletion of data. The Evidence.com audit trail documents each and every action taken from

the creation of the recording to its deletion, as well as access of the audit trail report once the BWC data 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.

The City of Waite Park held a public input session on June 26, 2017, to solicit comment on the purchase, implementation, and proposed policy of a BWC system. The Waite Park City Council held a public hearing at their July 17, 2017 meeting and approved the purchase of a body worn camera system. The body worn camera system was implemented September 1, 2017.

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 Waite Park Police Department has established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3. The BWC policy is not posted on the agency's website.

One discrepancy noted.

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

Dated: December 27, 2019

Lynn Lembcke Consulting



Lynn Lembcke