

INDEPENDENT AUDIT REPORT

Chief Craig Taylor
Nisswa Police Department
5442 City Hall St.
Nisswa, MN 56468

Dear Chief Taylor:

An independent audit of the Nisswa Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on March 30, 2021. The objective of the audit was to verify Nisswa 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 Nisswa Police Department is located in Crow Wing County, Minnesota, and employs six (6) peace officers. The Nisswa 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 May 1, 2018, through March 15, 2021.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

BWC data is presumptively private. All data collected by the Nisswa Police Department during the time period May 1, 2018, through March 15, 2021, is classified as private or non-public data. The Nisswa 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 Nisswa Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in WatchGuard Vista. 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. Active BWC data is accessible in the WatchGuard Evidence Library.

Randomly selected videos from a server Purged Vista Events Report were verified against the record purge date. Several records were purged prior to the scheduled retention period. All records were maintained for the minimum 90 days required by statute. Records selected were from the time period May 1, 2018, through March 15, 2021. Deleted BWC video is not accessible in the WatchGuard Evidence Library. The Nisswa Police Department has not received a request from a data subject to retain BWC data beyond the applicable retention period.

The agency Sergeant monitors 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 City of Nisswa Information Disclosure Request form. During the time period May 1, 2018, through March 15, 2021, the Nisswa Police Department had received no requests to view BWC data but did receive requests for copies of BWC data from data subjects. Data subjects other than the requestor were redacted.

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.

Nisswa Police Department's BWC inventory consists of six (6) devices. Device inventory is maintained in the WatchGuard Evidence Library.

The Nisswa 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. The Nisswa Police Department's BWC policy requires officers to conduct a function test of their BWCs at the beginning of each shift to ensure the device is operating properly. Officers noting a malfunction during testing or at any other time to promptly report any malfunctions to the officer's supervisor. During implementation, peace officers were trained on the use of the BWC system by a WatchGuard trainer. New officers are trained as part of their field training program.

A review of randomly selected dates from the patrol schedule were verified against the Vista Active and Purged Event Reports and confirmed that recording devices are being deployed and activated by officers. A review of BWC data collected per quarter and a comparison to calls for service shows a consistent collection of 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 Active and Purged Vista Events Report.

The Nisswa Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention in WatchGuard. BWC video is fully deleted from the local file server upon the scheduled deletion date. Meta data and audit trail information are maintained on the server. BWC data is available upon request, and access may be requested by submission of an 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 Nisswa Police Department's BWC policy states that officers may only use Department issued BWC's.

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 agency Sergeant conducts weekly reviews of BWC data to ensure proper labeling and compliance with policy.

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 and requires dual authentication. Agency personnel may access BWC data 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. The agency's BWC policy governs access to and sharing of data. Access to data is captured in the audit trail.

When BWC data is deleted from WatchGuard, its contents cannot be determined.

The Nisswa Police Department has had no security breaches, and the last BCA CJIS security audit was conducted in July of 2019.

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 Nisswa Police Department's BWC policy allows for the sharing of data with other law enforcement agencies, prosecutors, courts and other criminal justice entities as provided by law. BWC data is shared with the City prosecutor via the WatchGuard Cloud share and with the County prosecutor by burning a copy to disk. During the audit period, no BWC data was shared with another law enforcement agency. Written requests for data are maintained and sharing of data with the City prosecutor is documented in WatchGuard Cloud Share.

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 Online and Purged Event Report document the date and time portable recording system data was collected, the retention period of the data, and the audit trail associated to the data. The WatchGuard Cloud Share report, the audit trail, and the Information Disclosure 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.

Nisswa Police Department's WatchGuard data is stored on a local file server. The server is located in a secure area, and access to the server is password protected. Server backups are conducted by CTC, the City's software vendor.

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 Nisswa Police Department solicited for public comment by publication in the City's official newspaper and on their website. The Nisswa City Council held a public hearing at their April 21, 2018, meeting. The body worn camera program was implemented May 1, 2018.

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 Nisswa 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 includes all minimum requirements of Minn. Stat. § 626.8473.

No discrepancies noted.

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

Dated: June 26, 2021

Lynn Lembcke Consulting



Lynn Lembcke