

## INDEPENDENT AUDIT REPORT

Chief Eric Lee  
Crosslake Police Department  
13888 Daggett Bay Rd.  
Crosslake, MN 56442

Dear Chief Lee:

An independent audit of the Crosslake Police Department 's Portable Recording System (body-worn cameras (BWCs)) was conducted on July 16, 2021. The objective of the audit was to verify Crosslake 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 Crosslake Police Department employs six (6) full-time and four (4) part-time peace officers. The Crosslake Police Department utilizes Motorola Solutions WatchGuard Vista body-worn cameras and software. BWC data is stored in the Motorola Solutions WatchGuard Cloud. The audit covers the time period January 1, 2017, through June 30, 2021.

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

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

All BWC data collected by the Crosslake Police Department during the time period January 1, 2017, through June 30, 2021, is classified as private or non-public data. The Crosslake 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 BWCs are appropriately retained and destroyed in accordance with statutes.*

The Crosslake 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 with a category of “Test Recording” and “Unknown” were maintained for less than 90 days during the early months of use. Retention was increased on those categories and records were then maintained for the minimum 90 days required by statute. Records in all other categories were maintained in accordance with the record retention. Records selected were from the time period January 1, 2017, through June 30, 2021. Deleted BWC video is not accessible in the WatchGuard Evidence Library.

The Crosslake Police Department has not received a request from a data subject 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 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 written request. During the time period January 1, 2017, through June 30, 2021, the Crosslake Police Department had received neither requests to view, nor requests for copies of, BWC data 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.*

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

The Crosslake 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 Crosslake Police Department's BWC policy requires officers to conduct a function test at the beginning of each shift to ensure the device is operating properly and to promptly report malfunctions to their supervisor. Peace officers were trained on the use of the BWC system by WatchGuard during implementation. 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 comparison to calls for service shows a consistent collection of data.

The total amount of active data is accessible in the WatchGuard Evidence Library. The total amount of active and deleted data is documented in the server Active and Purged Vista Events Reports.

The Crosslake Police Department utilizes the City of Crosslake Records Retention Schedule and agency specified retention in WatchGuard. BWC video is fully deleted from the local file server upon 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 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.*

The Crosslake Police Department BWC policy states that officers may only use department-issued BWCs in the performance of official duties for the department 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 monthly random 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 as determined by the Chief of Police. Access to WatchGuard Evidence Library is password protected and requires dual authentication. Agency personnel are prohibited from accessing BWC data for nonbusiness 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 Crosslake Police Department has had no security breaches. A BCA CJIS security audit was conducted in April of 2021.

*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 Crosslake 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. Sharing of data with other law enforcement agencies and prosecutors is managed by the Chief of Police. Sharing is documented in the WatchGuard audit trail.

*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 Active Event and Purged Event Reports document the date and time portable recording system data was collected, the retention period of the data, the audit log associated to the data, and the date and time data was destroyed. The WatchGuard audit trail and the Records Management System dissemination log 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.*

Crosslake Police Department's BWC data is stored in the Motorola Solutions Cloud. A Motorola Solutions CJIS Compliance White paper outlines the specific security policies and practices for Motorola Solutions and how they are compliant with the CJIS Security Policy. Motorola has performed statewide CJIS-related vendor requirements in Minnesota. Motorola maintains CJIS certification for personnel who 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 Crosslake Police Department solicited for public comment by Notice to the Public on November 14, 2016. The City Council held a public hearing at their December 12, 2016, meeting. No public comments were received. The body worn camera program was implemented in January of 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 Crosslake Police Department's BWC policy is not 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.

*Discrepancy noted.*

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

Dated: February 5, 2022

Lynn Lembcke Consulting



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Lynn Lembcke