

## INDEPENDENT AUDIT REPORT

Chief James Exsted  
Baxter Police Department  
13190 Memorywood Dr.  
Baxter, MN 56425

Dear Chief Exsted:

An independent audit of the Baxter Police Department 's Portable Recording System (body-worn cameras (BWCs)) was conducted on July 15, 2021. The objective of the audit was to verify Baxter 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 Baxter Police Department employs fifteen (15) peace officers. The Baxter Police Department utilizes WatchGuard Vista body-worn cameras and software. BWC data is stored in the WatchGuard Cloud. The audit covers the time period May 5, 2019, through June 30, 2021.

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

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

All BWC data collected by the Baxter Police Department during the time period May 5, 2019, through June 30, 2021, is classified as private or non-public data. The Baxter 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 Baxter 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.

The associated retention period for BWC data with a category of "Test" and "Unintentional," as well as records which were uncategorized, were maintained for less than the minimum 90 days required by statute. Randomly selected videos from a server Purged Vista Events Report were verified against the record purge date. Records in other categories were maintained in accordance with the record retention and for at least the 90 days required by statute. Records selected were from the time period May 5, 2019, through June 30, 2021. Deleted BWC video is not accessible in the WatchGuard Evidence Library.

The Baxter Police Department has not received a request from a data subject to retain BWC data beyond the applicable retention period.

Sergeants monitor 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 must be redacted.*

BWC data is available to data subjects and access may be requested by submission of a data request form. During the time period May 5, 2019, through June 30, 2021, the Baxter Police Department had received no requests to view, but did fulfill 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.*

Baxter Police Department's BWC inventory consists of thirteen (13) devices. Device inventory is maintained in the WatchGuard Evidence Library.

The Baxter 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 Baxter Police Department's BWC policy requires officers to ensure the BWC is functioning as designed and to report any malfunction or failure immediately to a 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 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 Report.

The Baxter 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 information is maintained on the server. 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 Baxter Police Department BWC policy does not state that officers may only use Department issued BWC's.

*Discrepancy 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.*

Sergeants conduct random monthly 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 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 Baxter Police Department has had no security breaches. A BCA CJIS security audit was conducted in July of 2019.

*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 Baxter 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. Law enforcement agencies seeking access to BWC data submit a written request. Sharing of data is documented in WatchGuard Cloud Share and the written request is maintained in the Records Management System case file.

*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 Purged Event Report document the date and time portable recording system data was collected and the retention period of the data. The

WatchGuard Cloud Share report, the audit log, and the Records Management System 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.*

Baxter 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 Baxter Police Department solicited for public comment. Notice was posted on the City website, and the City Council held a public hearing at their December 19, 2017, Work Session. The body worn camera program was implemented in May 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 Baxter 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, Subd. 3 with the exception of Subd. 3(b)(8)

employee discipline standards for unauthorized access to data.

*Discrepancy noted.*

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

Dated: January 31, 2022

Lynn Lembcke Consulting

A handwritten signature in blue ink that reads "Lynn Lembcke". The signature is written in a cursive style with a horizontal line underneath it.

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Lynn Lembcke