

## INDEPENDENT AUDIT REPORT

Chief David Bentrud  
Waite Park Police Department  
19 13<sup>th</sup> 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 on November 12, 2021. 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 twenty-one (21) peace officers. The Waite Park Police Department utilizes Axon body-worn cameras and utilizes Evidence.com cloud-based evidence management storage. The audit covers the time period October 1, 2019, through October 31, 2021.

### **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 October 1, 2019, through October 31, 2021, 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 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 October 1, 2019, through October 31, 2021. The Waite Park Police Department has received no requests from data subjects to retain BWC data beyond the applicable retention period.

Police Sergeants and the Records Supervisor monitor the proper categorization to ensure data are appropriately retained and destroyed.

*No discrepancies 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 October 1, 2019, through October 31, 2021, the Waite Park Police Department had received no requests to view BWC data but did fulfill requests for copies of BWC video from data subjects. Data subjects who had not consented to release of the data 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.

*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 nineteen (19) devices. An inventory report produced from Evidence.com detailed the number of recording devices owned and maintained by the agency. The inventory included the device model, serial number, device name, the officer assigned to the device, date of last upload, device status, error status, and the firmware version.

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. The Department's BWC policy requires officers to conduct a function test of their BWC at the beginning of each shift to make sure the device is operating properly. Peace officers noting a malfunction during testing, or at any other time, are required to promptly report the malfunction to their supervisor. Peace officers are trained on the use of BWCs as part of their field training program.

A review of randomly selected dates from the patrol schedule were verified against the Evidence.com Evidence Created Report and confirmed that BWC's are being deployed and officers are wearing and activating their BWCs. A review of the total number of BWC videos created per quarter and a comparison to calls for service shows a consistent collection of BWC data.

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 video 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 m*

*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 in the performance of official duties for the Waite Park Police Department or when otherwise performing authorized law enforcement services as an employee of Waite Park.

*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. Supervisors conduct reviews of specified BWC videos to ensure BWCs are being utilized in compliance with policy.

User access to BWC data is managed by the assignment of roles and permissions in Evidence.com. Permissions are based on staff work assignments. Access to Evidence.com is password protected and requires dual authentication.

The agency's BWC policy governs access to and sharing of data. Waite Park Police Department personnel may only access and share BWC data for legitimate law enforcement or data administration 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 security breaches. A BCA CJIS security audit was conducted in March of 2020.

*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. Agencies seeking access to BWC data submit a written request. Secure electronic sharing of data within

Evidence.com is captured in the audit trail. An Evidence.com Evidence 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.com Evidence Created Report document the date and time portable recording system data were collected and deleted per retention. All BWC data collected from the time period October 1, 2019, through October 31, 2021, 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 BWC video. 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 after 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 posted on the agency's website.

*No discrepancies 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 16, 2021

Lynn Lembcke Consulting



---

Lynn Lembcke