

## INDEPENDENT AUDIT REPORT

Chief Steve Hansen  
Oak Park Heights Police Department  
14168 Oak Park Blvd.  
Oak Park Heights, MN 55082

Dear Chief Hansen:

An independent audit of the Oak Park Heights Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on December 17, 2021. The objective of the audit was to verify Oak Park Heights 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 Oak Park Heights Police Department is located in Washington County and employs ten (10) peace officers. The Oak Park Heights Police Department utilizes WatchGuard BWCs, and BWC data is stored on a local file server. The audit covers the time period March 21, 2018, through December 15, 2021.

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

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

Oak Park Heights Police Department BWC data is presumptively private. All BWC data collected during the time period March 21, 2018, through December 15, 2021, is classified as private or non-public data. There were no instances of data classified as public data. The Oak Park Heights 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 Oak Park Heights Police Department utilizes the General Records Retention Schedule for Minnesota Cities and a WatchGuard retention period of "indefinitely." BWC data is manually purged and was last purged on April 24, 2018. All purged data was maintained for a minimum of one year, and all data is maintained for the minimum ninety (90) days required by statute.

Active BWC data and audit logs are accessible in the WatchGuard Evidence Library. The server log maintains a listing of active and deleted BWC data.

The Oak Park Heights Police Department has received no requests from data subjects to retain BWC data beyond the applicable retention period.

*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 to data subjects and access may be requested by submission of an Oak Park Heights Police Department Information Disclosure form. During the time period March 21, 2018, through December 15, 2021, the Oak Park Heights Police Department had received no requests to view BWC data. The Oak Park Heights Police Department did fulfill a request from a data subject for a copy of BWC data. The BWC data contained no data subjects other than the requestor.

*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.*

Oak Park Heights Police Department's BWC inventory consists of five (5) devices. Device inventory is maintained in the WatchGuard Evidence Library. Officers check out a device at the beginning of their shift. The officer's name is associated to the device upon checkout.

The Oak Park Heights 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 Oak

Park Heights Police Department's BWC policy requires officers to ensure the BWC is functioning as designed at the beginning and conclusion of each shift and to report any malfunction to administrative personnel. Peace officers were trained on the use of the BWC system and policies and procedures during implementation. New officers are trained as part of their field training program.

A daily record of the total number of recording devices actually deployed and used by officers was obtained from the Vista Active and Purged Event Reports and the Evidence Library. 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 available in server log reports.

The Oak Park Heights 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 when deleted. Meta data information is 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 Oak Park Heights Police Department's BWC policy states that only BWCs issued and approved by the department will be worn by officers.

*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.*

Sergeants conduct reviews of BWC videos to ensure proper labeling and compliance with policy. Oak Park Heights Police Department requires officers to log when videos are viewed prior to completing a report.

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. Agency personnel are prohibited from accessing BWC data for nonbusiness reasons or from sharing or disseminating data for non-law enforcement purposes. Access to data is captured in the audit trail.

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

The Oak Park Heights Police Department has had no security breaches. A BCA CJIS security audit was conducted in November 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 Oak Park Heights Police Department's BWC policy states that personnel are prohibited from accessing BWC data for nonbusiness reasons or from sharing or disseminating data for non-law enforcement purposes. The Oak Park Heights Police Department requires written requests from law enforcement agencies and prosecutors seeking access to BWC data. Copies of requests are maintained in a request folder and in the 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 Active and Purged Event Reports 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 audit trail, an access log, and the case file 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.*

Oak Park Heights Police Department's BWC data is stored on a local file server. The server is located in a secure area with limited access. The server is password protected. Access to the server is managed by the Chief of Police.

*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 Oak Park Heights City Council approved the purchase of body-worn cameras their September 22, 2015, council meeting. The BWC system was purchased and implemented prior to the requirement of Minn. Statute § 626.8473, Subd. 2.

*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 Oak Park Heights Police Department's BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473, Subd. 3 (b) and includes all of the minimum requirements of Minn. Stat., with the exception of § 626.8473, Subd. 3 (b) (8) procedures to ensure compliance and address violations of policy.

*Discrepancy noted.*

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

Dated: March 24, 2022

Lynn Lembcke Consulting

*Lynn Lembcke*

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Lynn Lembcke