

INDEPENDENT AUDIT REPORT

Chief Mike Hedlund
East Grand Forks Police Department
520 Demers Ave.
East Grand Forks, MN 56721

Dear Chief Hedlund:

An independent audit of the East Grand Forks Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on October 17, 2022. The objective of the audit was to verify East Grand Forks 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 East Grand Forks Police Department is located in Polk County, Minnesota and employs twenty-three (23) peace officers. The East Grand Forks Police Department utilizes WatchGuard body-worn cameras and evidence management software. BWC data is stored on a local file server. The audit covers the time period October 1, 2020, through September 30, 2022.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

BWC data is presumptively private. All data collected by the East Grand Forks Police Department during the audit period is classified as private or non-public data. The East Grand Forks 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 East Grand Forks Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in WatchGuard. 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. Videos with an associated case file number are retained until manually deleted. Manual deletion occurs upon disposition of the case.

A server log report was produced for BWC data collected and deleted during the audit period. Randomly selected videos from the server log reports were verified against the record purge date. All randomly selected records were retained for at least the minimum ninety (90) days required by statute and purged in accordance with the record retention. Deleted BWC video, meta data, and audit trails are not accessible in the WatchGuard Evidence Library.

Active BWC data is accessible in the WatchGuard Evidence Library. The server log maintains a listing of all active and deleted BWC data with associated meta data.

The East Grand Forks Police Department has received no requests from data subjects 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.

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 East Grand Forks Police Department Request for Information form. During the audit period, the East Grand Forks Police Department had received both requests to view, and requests for copies of, BWC data from data subjects. Data subjects who did not consent to the release of data 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.

East Grand Forks Police Department's BWC inventory consists of eight (8) devices. Device inventory is maintained in the WatchGuard Evidence Library and on a Microsoft Word document.

The East Grand Forks Police Department's BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The East Grand Forks Police Department's BWC policy requires officers to confirm equipment is operational and to immediately report any malfunctions, damage, loss or theft of equipment to the on-duty supervisor. Peace officers were trained on the use of the BWC system by a WatchGuard trainer 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 server log reports and confirmed that recording devices are being deployed and activated by officers. A comparison of BCW data collected per quarter and calls for service per quarter shows a consistent collection of BWC data.

The total amount of active BWC data is accessible in the WatchGuard Evidence Library. Total amount of active and deleted data is documented in the server log report.

The East Grand Forks 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 reaching 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 Request for Information 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 East Grand Forks Police Department's BWC policy states that officers may only use Department issued BWC's in the performance of official duties for the agency or when otherwise performing authorized law enforcement services 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.

Sergeants review meta data assigned to BWC data to ensure proper labeling and that BWCs are being utilized in compliance with policy.

Nonpublic data is only available to members of the East Grand Forks Police Department whose work assignment reasonably requires access to the data. User access to BWC data is managed by the assignment of group roles and permissions in WatchGuard. Permissions are based on staff work assignments. Roles and permissions are administered by the Administrative Assistant and IT.

The agency's BWC policy governs access to data. East Grand Forks Police Department personnel are allowed to access BWC data to perform the essential functions of their job. Access to data is captured in the audit log.

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

The East Grand Forks Police Department has had no security breaches. A BCA CJIS security audit was conducted in June of 2022.

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 East Grand Forks Police Department's BWC policy allows for the sharing of data with other law enforcement agencies, government agencies, and courts as provided by law. Sharing of data is documented in the Records Management System Notes. Written requests for BWC data are maintained with 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 log reports document the date and time portable recording system data was collected, and the retention period of the data. The Records Management System and audit logs 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.

East Grand Forks Police Department's BWC data is stored on a local file server. The server is located in a secure area in the Police Department, and access to the server is password protected.

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 East Grand Forks Police Department solicited for public comment on the City's website and public notice in the East Grand Forks Exponent. The East Grand Forks City Council held a public hearing at their January 9, 2018, meeting.

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 East Grand Forks 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.

No discrepancies noted.

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

Dated: January 19, 2023

Lynn Lembcke Consulting

Lynn Lembcke

Lynn Lembcke