

# INDEPENDENT AUDIT REPORT

Chief Marc Schultz  
Wayzata Police Department  
600 Rice St. E.  
Wayzata, MN 55391

Dear Chief Schultz:

An independent audit of the Wayzata Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on March 8, 2023. The objective of the audit was to verify Wayzata 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 Wayzata Police Department is located in Hennepin County, Minnesota and employs fifteen (15) peace officers. The Wayzata Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period October 29, 2020, through February 28, 2023.

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

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

Wayzata Police Department BWC data is presumptively private. All data collected during the audit period is classified as private or nonpublic data. The Wayzata 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 if the data collected by BWCs are appropriately retained and destroyed in accordance with statutes.*

The Wayzata 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.

A report was produced from Evidence.com for all BWC data collected during the audit period. Randomly selected records from 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 schedule. All BWC data was maintained for the minimum ninety (90) days required by statute. Randomly selected records from the Evidence Created Report were verified against audit trail reports, and each record was deleted or maintained in accordance with the record retention.

The Wayzata Police Department had received no requests from data subjects to retain BWC data beyond the applicable retention period.

The Deputy Chief and the Investigations Sergeant 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 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 are redacted.*

BWC data is available to data subjects and access may be requested by submission of a Wayzata Police Department Consent to Release Private Data form. During the audit period, the Wayzata Police Department had received no requests to view BWC video but did receive 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. The data request is documented in the Records Management System (RMS) dissemination log and the request form is maintained in the RMS media.

*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.*

Wayzata Police Department's BWC inventory consists of sixteen (16) devices. An inventory report produced from Evidence.com detailed the total 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, firmware version, and warranty date.

The Wayzata Police Department BWC policy 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. Officers noting a malfunction during testing, or any other time, are required to report the malfunction to the on-duty supervisor and complete an equipment service request.

Peace officers were trained on the use of the portable recording system during implementation. Newly hired officers are trained as part of their field training program.

Officers working on randomly selected dates, and randomly selected calls for service, were verified against the Evidence Created Report and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs. A comparison between the total number of BWC videos created per quarter and total calls for shows a consistent collection of BWC data.

Evidence.com queries and the Evidence Created Report detail the total amount of BWC data created, stored/maintained, and deleted.

The Wayzata 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 audio and video. BWC data is available upon request, and access may be requested by submission of a Wayzata Police Department Consent to Release Private Data 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 Wayzata Police Department's BWC policy states that officers may only use department-issued BWCs in the performance of official duties for the agency 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 Deputy Chief conducts monthly reviews of BWC data to ensure BWC data is accurately classified and that BWCs are being used in compliance with policy.

Nonpublic BWC data is only available to persons whose work assignment reasonably requires access to the data. User access to BWC data is managed by the assignment of roles and permissions in Evidence.com. Permissions are based on staff work assignments. Roles and Permissions are administered by the Chief of Police. Access to Evidence.com is password protected and requires dual authentication.

The agency's BWC Policy governs access to BWC data. Agency personnel may access BWC data only for legitimate law enforcement or data administration purposes. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law-enforcement-related purposes. User access to data is captured in the audit trail.

The BWC policy states that failing to adhere to the policy or applicable laws regarding the use of a BWC and any associated data, including but not limited to restrictions regarding accessing such data, are subject to discipline, up to and including termination.

When BWC data is deleted from Evidence.com, its contents cannot be determined. The Wayzata Police Department has had no security breaches. The Wayzata Police Department was undergoing a BCA CJIS Security audit at the time of this audit.

*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 Wayzata Police Department's BWC policy allows for the sharing of data with other law enforcement agencies for legitimate law enforcement purposes 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. Sharing of data is captured in the audit trail. The Evidence.com Sharing Audit Report and the RMS dissemination log provide 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 Created Report document the date and time portable recording system data were collected and deleted. All BWC data collected during the audit period is classified as private or nonpublic data. The Evidence.com audit trail documents how the data are used. The audit trail is maintained in Evidence.com after deletion of 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 to the audit trail after BWC 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 Wayzata Police Department solicited for public comment by survey. The Wayzata City Council held a public hearing at their October 6, 2020, meeting. The BWC program was implemented October 29, 2020.

*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 Wayzata 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 Wayzata and Wayzata Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: May 4, 2023

Lynn Lembcke Consulting

*Lynn Lembcke*

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Lynn Lembcke