

# INDEPENDENT AUDIT REPORT

Tony Paetznick  
Director of Public Safety  
New Brighton Police Department  
785 Old Hwy. 8  
New Brighton, MN 55112

Dear Public Safety Director Paetznick:

An independent audit of the New Brighton Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on May 25, 2023. The objective of the audit was to verify New Brighton 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
- Portable Recording System Policy

The New Brighton Police Department is located in Ramsey County, Minnesota and employs thirty-one (31) peace officers. The New Brighton Police Department utilizes Panasonic Arbitrator body-worn cameras. BWC data was stored in the Arbitrator 360° Back-End Client until September 13, 2022. Effective September 13, 2022, BWC data is stored in Genetec Clearance digital evidence management system. The audit covers the time period May 11, 2021, through May 15, 2023.

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

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

New Brighton Police Department BWC data is presumptively private. BWC data collected during the audit period includes both public and private or nonpublic data. Data classified as public resulted from the discharge of a firearm by a peace officer and use of force that resulted in substantial bodily harm. The New Brighton Police department had received no 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 BWC's are appropriately retained and destroyed in accordance with statutes.*

The New Brighton Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in Arbitrator 360° Back-End Client and Genetec. At the conclusion of a BWC recording, a classification/category is assigned. Each classification/category has an associated retention period. Upon reaching the retention date, data is systematically deleted.

A server log report and a Genetec log report were produced for all body camera data collected during the audit period. Randomly selected records from a server log report, the Genetec log, and audit trails were reviewed and verified data is being retained in accordance with the record retention. All records are maintained for at least the minimum 90 days required by statute.

BWC video, meta data, and audit trails are purged from the Arbitrator 360° Back-End Client and Genetec upon reaching the specified retention period. The New Brighton Police Department had received a request from data subjects to retain BWC data beyond the applicable retention period.

BWC data is monitored for 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 New Brighton Data Request Form. During the audit period the New Brighton Police Department had received no requests to view BWC data but did receive requests for copies of BWC data from data subjects. Data subjects who had not consented to release of the 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.*

New Brighton Police Department's BWC inventory consists of thirty-two (32) devices. Officers are assigned devices. An inventory of the total number of devices owned by the agency is maintained Genetec. The inventory includes the name of the officer assigned to the device, the serial number, and the BWC model.

The New Brighton Police Department's BWC policy that governs the use of portable recording systems by peace officers while in the performance of their duties. The policy requires officers to conduct a function test of their BWC at the beginning of each shift and to report any malfunction discovered during the check, or at any time thereafter, to his/her supervisor.

Officers working on randomly selected dates, and randomly selected calls for service, were verified against the server log report and the Genetec log 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 and total calls for service shows a consistent collection of BWC data.

Peace officers were trained on the use of BWC's during in-service training at the time of implementation. Newly hired officers are trained as part of their field training program.

The server log report and the Genetec log detail the total amount of BWC data created, deleted, and stored/maintained. The New Brighton Police Department utilizes the General Records Retention Schedule for Minnesota cities and agency specified retention in Arbitrator 360° Back-End Client and Genetec.

BWC video is fully deleted from the Arbitrator 360° Back-End Client and Genetec upon reaching the scheduled deletion date. BWC data is available upon request, and access may be requested by submission of New Brighton 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 New Brighton 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.*

Supervisors conduct reviews of BWC data to ensure proper labeling and to ensure BWCs are being used in compliance with policy.

Not public 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 Arbitrator 360° Back-End Client and Genetec. Permissions are based on staff work assignments. The Deputy Director manages the assignment of user rights. Access to Arbitrator 360° Back-End Client and Genetec is password protected and requires dual authentication.

Agency personnel are authorized to access BWC data for legitimate law enforcement or data administration purposes and only when there is a business need for doing so. The BWC policy governs access to and sharing of data. The BWC policy states that the unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Statute § 13.09. Access to BWC data is captured in the audit trail.

When BWC data is deleted from Arbitrator 360° Back-End Client and Genetec, its contents cannot be determined. The New Brighton Police Department has had no security breaches. A BCA CJIS security audit was conducted in May, 2021.

*No discrepancies noted.*

### **Audit Requirement: Sharing Among Agencies**

*Determine if nonpublic BWC data shared with other law enforcement agencies, government entities, or federal agencies is in accordance with statute.*

The New Brighton 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. Agencies seeking access to BWC data submit a written. Sharing of BWC data is documented in a sharing log and a Genetec log. Written requests are 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 Arbitrator 360° Back-End Client, the server log report, and Genetec logs document the date and time portable recording system data was collected and deleted. BWC data collected during the audit period includes both public and private or non-public data. Audit trails, the Sharing 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.*

New Brighton Police Department BWC data is stored on a local file server through September 12, 2022, and in the Genetec Clearance digital evidence management system effective September 13, 2022. The server is stored in a secure location and access is password protected. Genetec utilizes Microsoft Azure for Government cloud storage. Genetec and Microsoft Azure appear on the BCA list of screened vendors.

*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 New Brighton Police Department solicited public comment prior to purchase and implementation of the body worn camera program. Public comment was solicited on social media, Survey Monkey, newspapers, and the City website. The New Brighton City Council held a public hearing at their January 8, 2019, 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 New Brighton 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 New Brighton and New Brighton Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: July 11, 2023

Lynn Lembcke Consulting

*Lynn Lembcke*

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Lynn Lembcke