

# INDEPENDENT AUDIT REPORT

Chief James Exsted  
Baxter Police Department  
13190 Memorywood Dr.  
Baxter, MN 56425

Dear Chief Exsted:

An independent audit of the Baxter Police Department 's Portable Recording System (body-worn cameras (BWCs)) was conducted on July 15, 2021. The objective of the audit was to verify Baxter 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 Baxter Police Department employs fifteen (15) peace officers. The Baxter Police Department utilizes WatchGuard body-worn cameras and software. BWC data is stored in the WatchGuard Cloud. The audit covers the time period July 1, 2021, through June 30, 2022.

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

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

All BWC data collected by the Baxter Police Department during the audit period is classified as private or non-public data. The Baxter 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 Baxter 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.

Server log reports of all active and purged BWC data collected during the audit period were produced. Random records from the server log reports were selected and the create date was verified against the purge date. All records were maintained or deleted in accordance with the record retention schedule. 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 Baxter Police Department had received 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 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 General Data Access Request form. During the audit period, the Baxter Police Department had received no requests to view but did fulfill requests for copies of BWC data from data subjects. Data subjects who had not consented to the release of data were redacted. Documentation of requests for BWC data are maintained in the records management system 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.*

Baxter Police Department's BWC inventory consists of fourteen (14) devices. Device inventory is maintained in an Excel spreadsheet and in the WatchGuard Evidence Library.

The Baxter Police Department's BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The policy requires officers to periodically test the operation of the BWC to ensure it's functioning as designed and to report any malfunction or failure immediately to a supervisor.

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

A review of randomly selected dates from the patrol schedule and randomly selected calls for service were compared to the Active and Purged Event Reports and confirmed that recording devices are being deployed and activated by officers. A comparison between BWC data collected per quarter and calls for service 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 documented in the server Active and Purged Events Reports.

The Baxter 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 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 a General Data Access 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 Baxter Police Department BWC policy states that officers may only use BWCs issued by 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 and the Assistant Chief conduct monthly random reviews of BWC data to ensure BWC data is being properly labeled and that BWCs are being used in compliance with policy.

Nonpublic BWC data is only available to persons who 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. Access to Evidence Library is password protected and requires dual authentication. User access is administered by IT under the direction of the Assistant Chief.

The BWC policy governs access to and sharing of data. Agency personnel may access BWC data only when there is a business need for doing so. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law-enforcement-related purposes. Access to data is captured in the audit trail. The BWC policy states that an officer who accesses or releases recordings without authorization may be subject to discipline.

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

The Baxter Police Department has had no security breaches. A BCA CJIS security audit was conducted in July of 2022.

*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 Baxter Police Department's BWC policy allows 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 documented in WatchGuard Cloud Share and the written request is maintained in the records management system Media.

*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 Events Reports document the date and time portable recording system data was collected and the retention period of the

data. The WatchGuard Cloud Share report, the audit 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.*

Baxter Police Department's BWC data is stored in the Motorola Solutions Cloud. A Motorola Solutions CJIS Compliance White paper outlines the specific security policies and practices for Motorola Solutions and how they are compliant with the CJIS Security Policy. Motorola has performed statewide CJIS-related vendor requirements in Minnesota. Motorola maintains CJIS certification for personnel who are required to complete Level 4 CJIS Security Training upon assignment and annually 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 Baxter Police Department solicited for public comment. Notice was posted on the City website, and the City Council held a public hearing at their December 19, 2017, Work Session. The body worn camera program was implemented in May of 2019.

*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 Baxter 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 policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3.

*No discrepancies noted.*

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

Dated: September 10, 2023

Lynn Lembcke Consulting

*Lynn Lembcke*

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Lynn Lembcke