

INDEPENDENT AUDIT REPORT

Chief Jeffrey McCormick
Cannon Falls Police Department
918 River Rd.
Cannon Falls, MN 55009

Dear Chief McCormick:

An independent audit of the Cannon Falls Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on June 29, 2023. The objective of the audit was to verify Cannon Falls 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 Cannon Falls Police Department is located in Goodhue County and employs seven (7) full-time and four (4) part-time peace officers. The Cannon Falls Police Department utilizes WatchGuard V300 body-worn cameras and Evidence Library management software. BWC data is stored on a local file server. The audit covers the time period May 1, 2021, through June 28, 2023.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

BWC data is presumptively private. All data collected by the Cannon Falls Police Department during the audit period, is classified as private or non-public data. The Cannon Falls 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 if the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The Cannon Falls 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 Cannon Falls Police Department received a court order to retain BWC data beyond the applicable retention period. The retention period was reset when the conditions of the court order were met.

The Chief of Police and Lieutenant 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 Cannon Falls Police Department Information Disclosure Request form. During the audit period, the Cannon Falls Police Department had received both requests to view and requests for a copies of BWC data. Data subjects who had not consented to the release of data were redacted. Documentation of requests is maintained in the case file.

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.

Cannon Falls Police Department's BWC inventory consists of eight (8) devices. Device inventory is maintained in WatchGuard. Officers check out a BWC at the beginning of their shift.

The Cannon Falls 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 policy requires officers to ensure the BWC is functioning properly and to place any non-properly functioning BWC out of service. Officers report the malfunction by notification to the department and by placing an out of service note on the BWC.

Peace officers were trained on the use of BWCs during in-service training at the time of implementation. New 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 verified against the Active and Purged Event Reports and confirmed that recording devices are being deployed and activated by officers. A comparison of BCW data collected quarterly and a comparison to calls for services shows a consistent collection of data.

The total amount of active BWC 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 Cannon Falls 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 Cannon Falls Police Department 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 Cannon Falls Police Department's BWC policy states that officers shall only use department approved/issued BWC in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this 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 Chief of Police and Lieutenant conduct reviews of BWC data to ensure proper labeling 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. User access is administered by the Chief of Police and the Lieutenant.

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 log. The BWC policy states if an employee misuses the data covered by this policy or intentionally fails to comply with or violates this policy, it will be considered misconduct and such behavior may be grounds for disciplinary action up to and including discharge.

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

The Cannon Falls Police Department has had no security breaches. A BCA security audit was conducted in May 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 Cannon Falls 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 request. Sharing of data is documented in WatchGuard Cloud Share and the written request is retained 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 and the retention period of the data. The WatchGuard Cloud Share report, the audit 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.

Cannon Falls Police Department's BWC data is stored on a local file server. The server is located in a secure area, 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 Cannon Falls Police Department implemented BWCs in 2011 prior to the statutory requirement for public comment.

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 Cannon Falls Police Department has established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473, and the policy includes all minimum requirements of Minn. Stat. § 626.8473. The BWC policy is posted on the agency's website.

No discrepancies noted.

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

Dated: August 27, 2023

Lynn Lembcke Consulting

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