

# INDEPENDENT AUDIT REPORT

Chief Ben Zender  
Mounds View Police Department  
2401 Mounds View Blvd.  
Mounds View, MN 55112

Dear Chief Zender:

An independent audit of the Mounds View Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted of December 15, 2023. The objective of the audit was to verify Mounds View 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 Mounds View Police Department is located in Ramsey County, Minnesota and employs twenty-one (21) peace officers. The Mounds View Police Department utilizes WatchGuard body-worn cameras and Evidence Library software. BWC data is stored in the Motorola Solutions Cloud. The audit covers the time period October 1, 2021, through November 30, 2023.

## **Audit Requirement: Data Classification**

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

Mounds View Police Department BWC data is presumptively private. During the audit period, the Mounds View Police Department collected BWC data with public and private or non-public data classifications. Public data resulted from incidents involving the discharge of a firearm by a peace officer in the course of duty and use of force by a peace officer that resulted in substantial bodily harm. The Mounds View Police Department 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 BWCs are appropriately retained and destroyed in accordance with statutes.*

The Mounds View Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in the WatchGuard software system. 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. Active BWC data is accessible in the WatchGuard Evidence Library.

Event log reports for all BWC data collected and deleted during the audit period were provided. Randomly selected records from the purged event log report were reviewed and the date the data was collected was verified against the deletion date. Each of the records were deleted in accordance with the record retention schedule. All BWC data was retained for at least the minimum ninety (90) days required by statute.

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

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

The Deputy Chief and 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 an Information Disclosure Request form. During the audit period, the Mounds View Police Department had received both requests to view and requests for copies of BWC data from data subjects. Data subjects who had not consented to the release of data were redacted. Requests for copies of BWC data are documented in the Records Management System case notes, and Information Disclosure Request forms are scanned into and 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.*

Mounds View Police Department's BWC inventory consists of thirteen (13) devices. Device inventory is maintained in a Word document. Devices are checked out and associated to an officer at the beginning of his/her shift. Officers document in a Vehicle Inspection Log within the Records Management System that the BWC device is operating properly. Devices are returned to the docking station at shifts end and BWC data is uploaded to Evidence Library.

The Mounds View Police Department BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. Peace officers are required to conduct a function test of their BWC at the beginning of each shift to ensure the device is operating properly. Malfunctions during testing, or at any other time, are to be promptly reported to the officer's supervisor. Peace officers are trained on the use of portable recording systems and training is documented in the officer's training file. 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 event log reports 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 service shows a consistent collection of BWC data.

The total amount of active data is accessible in the WatchGuard Evidence Library. Total amount of active and deleted data is detailed in the cloud event log reports.

The Mounds View Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention in WatchGuard. BWC video is fully deleted upon reaching the scheduled deletion date. Meta data is maintained on the cloud server. BWC data is available upon request, and access may be requested by submission of an 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 Mounds View Police Department's BWC policy states that officers may use only 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 random reviews of BWC data to ensure that BWC data is properly classified and that BWCs are being utilized 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 group roles and permissions in WatchGuard. Permissions are based on staff work assignments. Roles and permissions are administered by the Chief of Police. Access to Evidence Library is password protected and requires dual authentication.

The agency's BWC policy governs access to BWC data. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing data for non-law-enforcement-related purposes. Access to data is captured in the audit trail. 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. Stat. § 13.09.

When BWC data is deleted, its contents cannot be determined. The Mounds View Police Department has had no security breaches. A BCA CJIS Security Audit was last conducted in August 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 Mounds View Police Department's BWC policy allows for the sharing of data with other law enforcement agencies for legitimate law enforcement purposes only, and for the sharing of data with prosecutors, courts and other criminal justice entities as provided by law. The Mounds View Police Department requires a written request from law enforcement agencies seeking access to BWC data. Sharing of data is documented in the Records Management System case notes. Mounds View Police Department maintains written requests within 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 cloud log reports document the date and time portable recording system data was collected and deleted. BWC data collected during the audit period consists of both public and private or non-public classified data. The Records Management System Case Notes 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.*

Mounds View 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 Mounds View Police Department solicited public comment prior to purchase and implementation of the body worn camera program. Public comment was solicited through a body camera survey. The Mounds View City Council held a public hearing at their December 5, 2016, meeting and approved the purchase of body worn cameras. The body worn camera program was implemented July 1, 2017.

*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.*

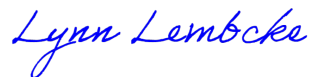
The Mounds View Police Department established and enforces a BWC policy. The BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The policy did not include the additional requirements of Minn. Stat. § 626.8473, Subd. 3 that became effective August 1, 2023. The policy was updated on December 26, 2023, to include all of the minimum requirements of Minn. Stat. § 626.8473, Subd. 3 and provided prior to the completion of the audit report.

*No discrepancies noted.*

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

Dated: March 18, 2024

Lynn Lembcke Consulting



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Lynn Lembcke