

INDEPENDENT AUDIT REPORT

Chief Steve Hansen
Oak Park Heights Police Department
14168 Oak Park Blvd.
Oak Park Heights, MN 55082

Dear Chief Hansen:

An independent audit of the Oak Park Heights Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on December 15, 2023. The objective of the audit was to verify Oak Park Heights 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 Oak Park Heights Police Department is located in Washington County, Minnesota and employs eleven (11) peace officers. The Oak Park Heights Police Department utilizes Motorola WatchGuard BWCs and Evidence Library software. BWC data is stored on a local file server. The audit covers the time period December 16, 2021, through November 30, 2023.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Oak Park Heights Police Department BWC data is presumptively private. During the audit period, the Oak Heights Police Department collected both public and private or nonpublic BWC data. Publicly classified BWC data captured the discharge of a firearm and use of force that resulted in substantial bodily harm by another law enforcement agency. The Oak Heights Police Department had 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 that the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The Oak Park Heights 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.

Event log reports of all BWC data collected and deleted during the audit period were produced. Randomly selected records from the purged event log report were reviewed and the date the data was collected was verified against the delete 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 and audit logs are accessible in the WatchGuard Evidence Library. The server log maintains a listing of active and deleted BWC data.

The Oak Park Heights Police Department has received no requests from data subjects to retain BWC data beyond the applicable retention period.

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 Oak Park Heights Police Department Information Disclosure Request form. During the audit period, the Oak Park Heights Police Department had received no requests to view BWC data but did receive and fulfill requests for copies of BWC video from data subjects. Data subjects who had not consented to the release of data were redacted. Data requests are documented on an Excel spreadsheet, and Information Disclosure Request forms are maintained in a 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.

Oak Park Heights Police Department's BWC inventory consists of eleven (11) devices. Device inventory is maintained in the WatchGuard Evidence Library.

The Oak Park Heights 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 Oak Park Heights Police Department's BWC policy requires officers to conduct a function test at the beginning of each shift and to promptly report any malfunctions to their supervisor. Peace officers were trained on the use of the BWC system and policies and procedures during implementation. New officers are trained as part of their field training program.

Officers working on randomly selected dates, and randomly selected calls for service, were compared to the event log reports and confirmed that BWCs are being deployed and used by officers. The event log reports provide a daily record of the total number of recording devices activated by officers. A review of BWC data collected per quarter shows a consistent and increase in the 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 available in server log reports.

The Oak Park Heights 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 when deleted. Meta data information is maintained on the 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 Oak Park Heights Police Department's BWC policy states officers may use only department-issued BWCs while engaged in the performance of official duties.

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 conduct reviews of BWC videos to ensure that BWC data is properly labeled 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. Permissions are administered by the Chief of Police. Access to WatchGuard Evidence Library is password protected.

The BWC policy governs access to BWC data. Agency personnel are authorized to access and view BWC data only when there is a business need for doing so for legitimate law enforcement or data administration purposes. The Oak Park Heights Police Department's BWC policy requires officers to document their reason for accessing BWC data within Evidence Library. Agency personnel are prohibited from accessing BWC data for nonbusiness reasons or from sharing or disseminating data for non-law enforcement 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 and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. § 13.09.

When BWC data is deleted from WatchGuard, its contents cannot be determined. The Oak Park Heights Police Department has had no security breaches. A BCA CJIS security audit was conducted in June of 2023.

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 Oak Park Heights Police Department's BWC policy allows for the sharing of BWC data with other law enforcement agencies for legitimate law enforcement purposes only and for the sharing BWC data with prosecutors, courts, and other criminal justices entities as provided by law. The Oak Park Heights Police Department requires written requests from law enforcement seeking access to BWC data. Sharing of data is documented in an Excel spreadsheet and copies of requests are maintained in a request folder.

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 deleted. Both public and private or nonpublic BWC data were collected during the audit period. The WatchGuard audit trail and an Excel spreadsheet 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.

Oak Park Heights Police Department's BWC data is stored on a local file server. The server is located in a secure area with limited access. The server is password protected. Access to the server is managed by the Chief of Police.

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 Oak Park Heights City Council approved the purchase of body-worn cameras their September 22, 2015, council meeting. The BWC system was purchased and implemented prior to the requirement of Minn. Statute § 626.8473, Subd. 2.

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 Oak Park Heights Police Department's BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473, Subd. 3 (b) and included all of the minimum requirements of Minn. Stat. § 626.8473, Subd. 3 (b) (8) that were in effect prior to August 1, 2023. The policy was updated on January 1, 2024, to include the additional minimum requirements.

Discrepancy noted.

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

Dated: May 2, 2024

Lynn Lembcke Consulting

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