

INDEPENDENT AUDIT REPORT

Chief Jay Jackson
Bayport Police Department
294 3rd St. N.
Bayport, MN 55033

Dear Chief Jackson:

An independent audit of the Bayport Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on March 26, 2024. The objective of the audit was to verify Bayport 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 Bayport Police Department is located in Washington County and employs seven (7) full-time peace officers. The Bayport Police Department utilizes WatchGuard BWCs, and BWC data is stored on a local file server. The audit covers the time period April 1, 2022, through March 15, 2024.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

All BWC data collected by the Bayport Police Department during the audit period is classified as private or nonpublic data. The Bayport Police Department had no incidents of the discharge of a firearm by a peace officer, use of force 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 Bayport 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 has an associated retention period of ninety (90) days. 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. Records from the purged event log report were reviewed and the date the data was collected was verified against the purge date. All records were deleted in accordance with the records retention schedule. All records were retained for at least the minimum ninety (90) days required by statute.

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 Bayport Police Department had 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 a Bayport Police Department Information Request form. During the audit period, the Bayport Police Department had received no requests to view but did receive requests for copies of BWC data from data subjects. Data subjects who had not consented to the release of 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.

Bayport Police Department's BWC inventory consists of five (5) devices. Device inventory is maintained in WatchGuard Evidence Library. Officers check out a device at the beginning of their shift and associate their name with the device at checkout.

The Bayport Police Department BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The Bayport Police Department's BWC policy requires officers to ensure the BWC is functioning properly at the beginning of each shift and to promptly report any malfunction to their supervisor and obtain a police department-issued alternative BWC.

Peace officers were trained on the use of the BWC system during implementation. 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 WatchGuard Evidence Library and event log reports and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs. A review of the total number of BWC videos created per quarter shows a consistent collection of BWC 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 log reports.

The Bayport 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 information is maintained on the server. BWC data is available upon request, and access may be requested by submission of a Bayport Police Department Information 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 Bayport 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.

The Chief of Police and Sergeant conduct random reviews of BWC videos to ensure BWCs are being utilized 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. Roles and permissions are administered by WatchGuard under the direction of the Sergeant. Access to WatchGuard Evidence Library is password protected.

The BWC policy governs access to BWC data. Agency personnel are prohibited from accessing BWC data for nonbusiness 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 that failure to follow the BWC policy may result in discipline and or termination.

When BWC data is deleted from WatchGuard, its contents cannot be determined. The Bayport Police Department has had no security breaches.

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 Bayport 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. The Bayport Police Department requires a written request from agencies seeking access to BWC data. Written requests for BWC data 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 event log reports document the date and time portable recording system data was collected and deleted. The audit log and the written request for BWC data 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.

Bayport 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.

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 City of Bayport and Bayport Police Department accepted public comment commencing on December 5, 2016. The City Council held a public hearing at their January 9, 2017, City Council Meeting. The body worn camera program was implemented in March of 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 Bayport 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 agency's policy included all of the minimum requirements of Minn. Stat. § 626.8473, Subd. 3 that were in effect prior to August 1, 2023, but did not include the minimum requirements that went into effect on August 1,

2023. The policy was updated to include the additional minimum requirements prior to completion of the final audit report, and the policy is in full compliance with statute.

Discrepancy noted.

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

Dated: June 13, 2024

Lynn Lembcke Consulting

Lynn Lembcke

Lynn Lembcke