

INDEPENDENT AUDIT REPORT

Chief Anthony Reznicek
Waite Park Police Department
19 13th Ave. No. P.O. Box 339
Waite Park, MN 56387

Dear Chief Reznicek:

An independent audit of the Waite Park Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on November 19, 2024. The objective of the audit was to verify Waite Park 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

Waite Park Police Department is located in Stearns County, Minnesota and is authorized for twenty-two (22) peace officers. Waite Park Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the time period November 1, 2021, through October 31, 2024.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Waite Park Police Department BWC data is presumptively private. All data collected during the audit period is classified as private or non-public data. Waite Park 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.

Waite Park Police Department utilizes the City of Waite Park Records Retention Schedule and agency specified retention periods in Evidence.com. At the conclusion of a BWC recording, officers assign meta data, including an Evidence.com category, to the recording. Each category has an associated retention period. Upon reaching its retention date, evidence is systematically deleted. Deletion of the data is captured in the audit trail.

An Evidence Created Report of all BWC data collected during the audit period was produced from Evidence.com. Records from the Evidence Created Report were reviewed, and the date and time the data was created was verified against the deletion date. Each of the records were deleted or maintained in accordance with the record retention schedule. Randomly selected audit trail reports were verified against the Evidence Created Report, and each record was deleted or maintained in accordance with the record retention schedule. All records were maintained for at least the minimum ninety (90) days required by statute.

Police Sergeants and the Records Supervisor monitor BWC data for proper categorization to ensure 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 Waite Park Police Department Body Camera Authorization to Release request form. During the audit period, the Waite Park 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 release of the data were redacted. A copy of the redacted video is stored in Evidence.com along with the original copy. A copy of the request form is maintained and an ICR is created in the records management system documenting the request.

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.

Waite Park Police Department's BWC inventory consists of twenty-four (24) devices. An inventory report produced from Evidence.com detailed the number of recording devices owned and maintained by the agency. The inventory included the device model, serial number, device name, the officer assigned to the device, date of last upload, device status, error status, firmware version, warrant date, date last docked, and camera state.

Waite Park 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 conduct a function test of their BWC at the beginning of each shift to make sure the device is operating properly. Peace officers noting a malfunction during testing, or at any other time, are required to promptly report the malfunction to their supervisor. Newly hired peace officers are trained on the use of BWCs as part of their field training program.

Officers working on randomly selected dates, and randomly selected calls for service, were verified against the Evidence Created Report and confirmed that BWC's are being deployed and officers are wearing and activating their BWCs. A review of the total number of BWC videos created per quarter and a comparison to calls for service shows a consistent collection of BWC data.

Evidence.com queries detail the total amount of BWC data created, stored/maintained, and deleted. Waite Park Police Department utilizes the City of Waite Park Records Retention Schedule and agency specified retention periods in Evidence.com. BWC video is fully deleted from Evidence.com upon reaching its scheduled deletion date. Meta data and audit trails are maintained in Evidence.com after deletion of BWC video and audio. BWC data is available upon request, and access may be requested by submission of a Waite Park Police Department Body Camera Authorization to Release 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.

Waite Park Police Department's BWC policy states that officers may use only department-issued portable recording systems in the performance of official duties for the Waite Park Police

Department or when otherwise performing authorized law enforcement services as an employee of Waite Park.

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 and Records staff review meta data assigned to BWC data to ensure accuracy. Supervisors conduct reviews of specified BWC videos to ensure 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 is managed by the assignment of roles and permissions in Evidence.com. Permissions are based on staff work assignments. Roles and permissions are administered by the Records Supervisor. Access to Evidence.com is password protected and requires dual authentication.

The agency's BWC policy governs access to BWC data. Waite Park Police Department personnel may only access BWC data for legitimate law enforcement or data administration purposes. The BWC policy requires personnel to document the purpose for accessing BWC data within Evidence.com and access is captured in the audit trail. The BWC policy states that any member who accesses or releases recordings without authorization may be subject to discipline.

When BWC data is deleted from Evidence.com, its contents cannot be determined. Waite Park Police Department has had no security breaches. A BCA CJIS security audit was conducted in May of 2023.

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 Waite Park 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. Law enforcement agencies seeking access to BWC data are required to submit a written request. Secure electronic sharing of data within Evidence.com is captured in the audit trail. An Evidence.com Sharing

Audit Report and the records management system provide documentation of shared data.

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.

Evidence.com and the Evidence Created Report document the date and time portable recording system data were collected and deleted. All BWC data collected during the audit period is classified as private or non-public data. The Evidence.com Sharing Audit Report and the audit trail document how the data are used. The audit trail is maintained in Evidence.com after deletion of BWC video and documents each and every action taken from the creation of the recording to its deletion, as well as access of the audit trail after BWC video has been deleted.

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.

An Axon CJIS Compliance White paper outlines the specific security policies and practices for Evidence.com and how they are compliant with the CJIS Security Policy. Axon has signed the CJIS Security Addendum in all states and has performed statewide CJIS-related vendor requirements in Minnesota. Axon has incorporated the CJIS Security Addendum by reference into the Axon Master Services and Purchase Agreement. Axon maintains signed CJIS Security Addendum certification pages for Axon personnel. Authorized Axon personnel are required to complete Level 4 CJIS Security Training upon assignment and biennially 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 City of Waite Park held a public input session on June 26, 2017, to solicit comment on the purchase, implementation, and proposed policy of a BWC system. Waite Park City Council held

a public hearing at their July 17, 2017, meeting and approved the purchase of a body worn camera system. The body worn camera system was implemented September 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.

Waite Park 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 included all minimum requirements of Minn. Stat. § 626.8473, Subd. 3(b) with the exception of 3(b)(2) & (3). The policy was updated to include all minimum requirements prior to the completion of the final audit report.

Discrepancy noted.

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

Dated: January 8, 2025

Lynn Lembcke Consulting

Lynn Lembcke

Lynn Lembcke