

INDEPENDENT AUDIT REPORT

Chief Nate Harder
Mounds View Police Department
2401 Mounds View Blvd.
Mounds View, MN 55112

Dear Chief Harder:

An independent audit of the Mounds View Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted of October 14, 2021. 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 Vista body-worn cameras and software and stores the BWC data on a local file server. The audit covers the time period October 1, 2019, through September 30, 2021.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

BWC data is presumptively private. During the time period October 1, 2019, through September 30, 2021, the Mounds View Police Department collected BWC data classified as public and BWC data classified as private or non-public data. Public data resulted from the use of force by a peace officer that resulted in substantial bodily harm. The Mounds View Police Department has no instances of the discharge of a firearm by a peace officer in the course of duty, 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 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.

Randomly selected videos from a server Event Purge Audit Report were verified against the record purge date, and each record was deleted in accordance with record retention. All records were maintained for at least the minimum 90 days required by statute. Records selected were from the time period October 1, 2019, through September 30, 2021. Deleted BWC video, meta data, and audit trails are not accessible in the WatchGuard Evidence Library.

The server log maintains a listing of all active and deleted BWC data with associated meta data.

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

Police Sergeants and the Deputy Chief 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 that 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 time period October 1, 2019, through September 30, 2021, the Mounds View Police Department had received no requests to view, but did fulfill 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 case notes of the Records Management System. 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 twelve (12) 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 the local file server.

The Mounds View 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. 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.

A review of randomly selected dates from the patrol schedule were verified against the Vista Active and Purged Event Reports and confirmed that BWCs are being deployed and activated by officers. A comparison of BWC data collected per quarter and a comparison to 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 deleted data is documented in the server Event Purge Audit Report.

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 from the local file server upon the scheduled deletion date. Meta data and audit trail information are 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 Mounds View Police Department's BWC policy authorizes and requires the use of department-issued BWCs and 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 proper classification and compliance with policy.

User access to BWC data is managed by the assignment of group roles and permissions in WatchGuard. Permissions are based on staff work assignments. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law-enforcement-related purposes. The agency's BWC policy governs access to and sharing of data. Access to data is captured in the audit trail. When BWC data is deleted from WatchGuard, 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 2019.

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 writing at the time of disclosure in the Records Management System case notes. Mounds View Police Department maintains

Information Disclosure Request Forms 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 server Active Event and Purged Event Reports document the date and time portable recording system data was collected, the retention period of the data, and the audit trail associated to the 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 WatchGuard BWC data is stored on a local file server in a secure location. Access to the server is password protected and requires dual authentication. Servers are backed up on a nightly basis. User access to WatchGuard is managed by Roseville IT under the direction of the Mounds View Police Department Deputy Chief.

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'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 includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3.

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: December 12, 2021

Lynn Lembcke Consulting



Lynn Lembcke