

INDEPENDENT AUDIT REPORT

Chief Laura Eastman
Bayport Police Department
294 3rd St. N.
Bayport, MN 55033

Dear Chief Eastman:

An independent audit of the Bayport Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on April 15, 2022. 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 and three (3) part-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 June 7, 2019, through March 31, 2022.

Audit Requirement: Data Classification

Determine that 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. Upon reaching the retention date, data is systematically deleted.

Random records were selected from a server Purged Events Report and the record create date was verified against the purge date. All randomly selected records were retained for at least the minimum ninety (90) days required by statute and purged in accordance with the record retention. Records selected were from the time period June 7, 2019, through March 31, 2022. Deleted BWC video, meta data, and audit trails are not accessible in the WatchGuard Evidence Library.

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 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 a written request. During the time period June 7, 2019, through March 31, 2022, the Bayport Police Department had received both requests to view and requests for copies of BWC data from data subjects. Data subjects who did not consent 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 a Microsoft Word document. Officers check out a device at the beginning of their shift, and the officer's name is associated to the device upon checkout.

The Bayport 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 Bayport Police Department's BWC policy requires officers to ensure the BWC is functioning as designed and to report any malfunction or failure immediately to a supervisor. Peace officers were trained on the use of the BWC system during implementation. New officers are trained as part of their field training program.

A review of randomly selected dates from the patrol schedule were verified against the Vista Active and Purged Event Reports and confirmed that recording devices are being deployed and activated by officers. 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 Active and Purged Vista Events 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 from the local file server upon 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 written request.

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 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. Access to WatchGuard Evidence Library is password protected.

Agency personnel are prohibited from accessing BWC data for nonbusiness 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 log. 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 law enforcement agencies and prosecutors seeking access to BWC 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.

The WatchGuard Evidence Library and the server Purged Event Report 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 audit log documents how the data are used.

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

No discrepancies 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: May 24, 2022

Lynn Lembcke Consulting

Lynn Lembcke