

INDEPENDENT AUDIT REPORT

Jason Nelson
Director of Public Safety
Medina Police Department
600 Clydesdale Trail
Medina, MN 55340

Dear Public Safety Director Nelson:

An independent audit of the Medina Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on March 14, 2024. The objective of the audit was to verify Medina 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 Medina Police Department is located in Hennepin County and employs eleven (11) peace officers. The Medina Police Department utilizes Motorola WatchGuard body-worn cameras and Evidence Library software. BWC data is stored in the WatchGuard cloud. The audit covers the time period December 2, 2021, through February 29, 2024.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

BWC data is presumptively private. All BWC data collected during the audit period is classified as private or non-public data. The Medina Police Department had no instances of the discharge of a firearm by a peace officer in the course of duty, use of force by a peace officer 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 Medina 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. The BWC policy states that BWC recordings will be retained for a period of no less than one hundred eighty (180) days. Two categories have retention periods of ninety (90) days.

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 records were maintained for at least the minimum ninety (90) days required by statute.

Active BWC data is accessible in the WatchGuard Evidence Library. The event log reports maintain a listing of all active and deleted BWC data.

The Medina Police Department had received no requests from data subjects to retain BWC data beyond the applicable retention period.

Sergeants monitor BWC data for proper categorization to ensure BWC data are appropriately retained and destroyed.

Discrepancy 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 Medina Data Practices Request Form. During the audit period, the Medina 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 the data were redacted. Data requests are documented in the Records Management System dissemination log and the data practices request form is retained.

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.

Medina Police Department's BWC inventory consists of fourteen (14) devices. Device inventory is maintained on an Excel spreadsheet.

The Medina Police Department BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The policy requires officers to ensure the recorder is in good working order. If not in good working order, or the officer becomes aware of a malfunction at any time, they are required to promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable.

Peace officers were trained on the use of BWCs by WatchGuard trained trainers 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 event log reports and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs. A comparison between the total number of BWC videos created per quarter and total calls for shows that BWC data is being consistently collected.

The total amount of active BWC data is accessible in the WatchGuard Evidence Library. Total amount of active and deleted data is detailed in the event log reports.

The Medina 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 is maintained in the cloud server. BWC data is available upon request, and access may be requested by submission of a Medina Data Practices 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 Medina Police Department's BWC policy states that officers are prohibited from using personally owned recording devices while on duty without the express consent of the Chief of Police and/or Sergeant.

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 reviews of BWC data to ensure recordings are accurately labeled and that BWCs are being used 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 IT under the direction of the Police Department. Access to WatchGuard Evidence Library is password protected and requires dual authentication.

The BWC policy governs access to BWC data. Agency personnel may access BWC data in accordance with policy and the Minnesota Data Practices Act. Access to data is captured in the audit log. The BWC policy states that any member who accesses or releases recordings without authorization may be subject to discipline.

When BWC data is deleted, its contents cannot be determined. The Medina Police Department has had no security breaches. A BCA CJIS Security Audit was conducted in 2021.

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 Medina Police Department's BWC policy allows for the sharing of data with other criminal justice entities and courts pursuant to lawful process and in compliance with the Minnesota Data Practices Act. The Medina Police Department requires a written request from law enforcement agencies and prosecutors seeking access to BWC data. Sharing of data is documented in WatchGuard Cloud Share and in the Records Management System dissemination log, and the written request for BWC data is retained.

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 event log reports document the date and time portable recording system data was collected and deleted. All BWC data collected during the

audit period is classified as private or nonpublic data. The WatchGuard Cloud Share report, the Records Management System dissemination log, and the audit log 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.

Medina Police Department's BWC data is stored in the Motorola Solutions Cloud. A Motorola Solutions CJIS Compliance White paper outlines the specific security policies and practices for Motorola Solutions and how they are compliant with the CJIS Security Policy. Motorola has performed statewide CJIS-related vendor requirements in Minnesota. Motorola maintains CJIS certification for personnel who are required to complete Level 4 CJIS Security Training upon assignment and annually 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 Medina Police Department solicited for public comment by posting on social media. The Medina City Council held a public hearing at their July 6, 2021, meeting. The body worn camera program was implemented December 2, 2021.

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 Medina Police Department established and enforces a BWC policy. 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 that were in effect prior to August 1,

2023, but does not include the requirements that became effective August 1, 2023. The Medina Police Department's BWC policy is posted on the agency's website.

Discrepancy noted.

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

Dated: June 23, 2024

Lynn Lembcke Consulting



Lynn Lembcke