

INDEPENDENT AUDIT REPORT

Gary Kroells
Director of Public Safety
West Hennepin Public Safety Department
1918 County Road 90
Maple Plain, MN 55359

Dear Public Safety Director Kroells:

An independent audit of the West Hennepin Public Safety Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on March 14, 2024. The objective of the audit was to verify West Hennepin Public Safety 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 West Hennepin Public Safety Department is located in Hennepin County and employs ten (10) peace officers. The West Hennepin Public Safety Department utilizes Panasonic Arbitrator body-worn cameras and Arbitrator 360° Back-End Client. BWC data is stored on a local file server. The audit covers the time period March 1, 2022, 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 West Hennepin Public Safety 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 West Hennepin Public Safety Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in Arbitrator 360° Back-End Client. Either during, or at the conclusion of a BWC recording, an Arbitrator classification is assigned. Each Arbitrator classification has an associated retention period. Upon reaching the retention date, data is systematically deleted.

A server log report of all BWC data collected and deleted during the audit period was produced. Randomly selected records from the server 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. The BWC policy states that all recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period of less than one hundred eighty (180) days. Several categories have a ninety (90) day retention period.

Active BWC data is accessible in the Arbitrator 360° Back-End Client. The server log maintains a listing of all active and deleted BWC data with associated meta data.

The West Hennepin Public Safety Department had received no requests from data subjects to retain BWC data beyond the applicable retention period.

The sergeants and administrative assistant 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 data request form. During the audit period, the West Hennepin Public Safety 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.

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.

West Hennepin Public Safety Department's BWC inventory consists of twelve (12) devices. Device inventory is maintained in Arbitrator 360° Back-End Client.

The West Hennepin Public Safety 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 their BWC is in good working order prior to going into service. If the recorder is not in working order, or if an 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.

Officers were trained on the use of BWCs by their Arbitrator vendor 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.

The total amount of active BWC data is accessible in the Arbitrator 360° Back-End Client. The server log details the total amount of data created, deleted, and stored/maintained.

The West Hennepin Public Safety Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention in Arbitrator 360° Back-End Client. 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 data 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 West Hennepin Public Safety Department's BWC policy states that officers are prohibited from using personally owned recording devices while on duty without the express consent of the Shift Supervisor.

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.

Sergeants and the Director of Public Safety conduct reviews of BWC data to ensure proper categorization 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 Arbitrator 360° Back-End Client. Permissions are based on staff work assignments. Roles and permissions are administered by the director of public safety and the administrative assistant. Access to Arbitrator 360° Back-End Client is password protected and requires dual authentication.

The BWC policy governs access to BWC data. Agency personnel may access BWC data pursuant to lawful process and in accordance with statute 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 West Hennepin Public Safety Department has had no security breaches. A BCA CJIS Security Audit was conducted in October 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 West Hennepin Public Safety Department's BWC policy allows for the sharing of data with other agencies pursuant to lawful process and in accordance with statute and the Minnesota Data Practices Act. The West Hennepin Public Safety Department requires a written request from agencies seeking access to BWC data. Sharing of data is documented in the records management system dissemination log.

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 Arbitrator 360° Back-End Client documents the date and time data was collected, and the server log report documents the date and time BWC data was collected and deleted. All BWC data collected during the audit period is classified as private or nonpublic data. The audit log and the records management system 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.

West Hennepin Public Safety Department's BWC data is stored on a local file server. The server is located in a secure area within the police department.

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 West Hennepin Public Safety Department solicited for public comment for the purchase and implementation of a portable recording system. The Maple Plain and Independence City Councils held public hearings on November 27, 2017 and November 21, 2017 respectively.

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 West Hennepin Public Safety Department established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The policy includes all of the minimum requirements of Minn. Stat. § 626.8473, Subd. 3 that were in effect prior to August

1, 2023. The policy does not include several of the requirements that became effective on August 1, 2023. The BWC policy is posted on the agency's website.

Discrepancy noted.

This report was prepared exclusively for the Cities of Maple Plain and Independence, the West Hennepin Public Safety Police Commission and West Hennepin Public Safety Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: August 28, 2024

Lynn Lembcke Consulting



Lynn Lembcke