

INDEPENDENT AUDIT REPORT

Chief Josh Foust
Three Rivers Park District Department of Public Safety
4301 Co. Rd. 24
Maple Plain, MN 55359

Dear Chief Foust:

An independent audit of the Three Rivers Park District Department of Public Safety's Portable Recording System (body-worn cameras (BWCs)) was conducted on January 7, 2025. The objective of the audit was to verify Three Rivers Park District Department of Public Safety'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

Three Rivers Park District Department of Public Safety is located in Hennepin County and employs thirteen (13) full-time and eleven (11) part-time peace officers. Three Rivers Park District Department of Public Safety utilizes Motorola WatchGuard body-worn cameras and Evidence Library software. BWC data is stored in the Motorola Solutions cloud. The audit covers the time period October 27, 2022 through December 31, 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. Three Rivers Park District Department of Public Safety 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.

Three Rivers Park District Department of Public Safety 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.

Created Event and Events Purged reports of all BWC data collected and deleted during the audit period were produced. Records from the Events Purged 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 cloud event logs maintain a listing of all active and deleted BWC data with associated metadata.

Three Rivers Park District Department of Public Safety had received no requests from data subjects to retain BWC data beyond the applicable retention period.

Sergeants monitors BWC data for proper categorization to ensure BWC 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 Three Rivers Park District Public Safety Release of Information form. During the audit period, Three Rivers Park District Department of Public Safety had received neither requests to view nor requests for copies of BWC video from data subjects.

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.

Three Rivers Park District Department of Public Safety's BWC inventory consists of seventeen (17) devices. Device inventory is maintained within WatchGuard.

Three Rivers Park District Department of Public Safety'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 issued BWC at the beginning of each shift to make sure the device activates properly. Officers noting a malfunction during testing, or at any other time, are required to promptly report the malfunction to their supervisor.

Peace officers were trained on the use of BWCs by WatchGuard training videos 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 review of the total number of BWC videos created per quarter and a comparison to total calls for service shows a consistent collection of data.

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

Three Rivers Park District Department of Public Safety utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention in WatchGuard. BWC video is fully deleted upon reaching the retention date. Metadata is maintained on the cloud server. BWC data is available upon request, and access may be requested by submission of a Three Rivers Park District Public Safety Release of Information 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.

Three Rivers Park District Department of Public Safety'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.

Sergeants conduct random reviews of BWC data to ensure proper labeling 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 Public Safety Director. 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 only for legitimate law enforcement or data administration purposes. Access to BWC data is captured in the audit log. The BWC policy states that the unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. § 13.09.

When BWC data is deleted, its contents cannot be determined. Three Rivers Park District Department of Public Safety has had no security breaches. A BCA CJIS Security Audit was conducted in December of 2024.

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.

Three Rivers Park District Department of Public Safety'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. Three Rivers Park District Department of Public Safety requires a written request from agencies seeking access to BWC data. Sharing of data is documented in WatchGuard Cloud Share and 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 WatchGuard Evidence Library and the Created Events and Events Purged 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 and the Records Management System dissemination 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.

Three Rivers Park District Department of Public Safety'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.

Three Rivers Park District Department of Public Safety solicited for public comment by posting on their website and accepting comments by mail, email, and telephone. The Three Rivers Park District Board of Commissioners holds a public hearing period at each of their board meetings. The Board of Commissioners received no comments relating to BWCs.

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.

Three Rivers Park District Department of Public Safety's BWC policy is posted on the agency's website. 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(b) that were

in effect prior to August 1, 2023, but does not include the requirements that became effective on August 1, 2023.

Discrepancy noted.

This report was prepared exclusively for Three Rivers Park District and Three Rivers Park District Department of Public Safety by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: February 25, 2025

Lynn Lembcke Consulting

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