

INDEPENDENT AUDIT REPORT

Chief Joel Scharf
Big Lake Police Department
790 Minnesota Ave., Suite 500
Big Lake, MN 55309

Dear Chief Scharf:

An independent audit of the Big Lake Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted of March 22, 2019. The scope of the review was to verify Big Lake Police Department's compliance with Minnesota Statutes §§13.825 and 626.8473.

Data elements included in the audit:

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 Big Lake Police Department is located in Sherburne County, Minnesota and employs 13 peace officers. The Big Lake Police Department uses Axon body-worn cameras and utilizes Evidence.com cloud based evidence management storage.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

Big Lake Police Department provided a report produced from Evidence.com for all BWC data collected during the time period August 1, 2016 through July 31, 2018. All data collected during the specified time period is classified as private or non public data. There were no instances where the data was classified as public data. The Big Lake 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 that the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The Big Lake Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in Evidence.com.

At the conclusion of a BWC recording, officers assign meta data, including an Evidence.com category, to the recording. Each Evidence.com category has an associated retention period. Evidence is deleted by the system upon reaching the retention date. Officers are notified seven days in advance of BWC data being deleted. The Chief of Police monitors proper categorizing and meta data applied to BWC data, as well as officer use of the system.

Big Lake Police Department's retention in Evidence.com included a category of Unintentional Recording with a corresponding retention period of one (1) day. This retention period was less than the 90 day requirement of Minn. Stat. §13.825, Subd. 3. The Chief of Police randomly viewed and verified recordings with a category of Unintentional Recording prior to their deletion.

Twenty-five (25) randomly selected recordings were reviewed and the date and time the data was created was verified against the deletion date in the audit trail. Each of the 25 records were deleted or maintained in accordance with the record retention. Records selected were from the time period August 1, 2016, through July 31, 2018.

One discrepancy 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 and access may be requested by telephone, on-line request form, email, or in person. During the time period August 1, 2016 through July 31, 2018, subjects of the data who requested access to the data were permitted to review the data. The Big Lake Police Department had received no requests for copies of BWC data 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.

An Inventory Report produced from Evidence.com on March 22, 2019, detailed the number of recording devices owned and maintained by the agency. The report included the device model, serial number, device name, and the officer assigned to the device.

The Big Lake Police Department BWC policy requires all patrol officers to wear BWC's while on duty. A review of randomly selected dates from the patrol schedule were verified against the Evidence.com Evidence Created Report, and it was determined that officers on duty had recordings for the respective dates.

A copy of the Big Lake Police Department's Policy on BWCs is posted on the City's website.

A query report summarizing all BWC data collected and maintained by the Big Lake Police Department was prepared and reviewed. The report details the total amount of data created, stored, and deleted.

The Big Lake Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention in Evidence.com.

BWC data is fully deleted electronically from Evidence.com when the scheduled deletion date, based on the category assigned to the data and its associated retention, is reached.

BWC data is available upon request, and access may be requested by telephone, online request form, email, or in person.

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 Big Lake Police Department's BWC policy specifically states that officers may use only department-issued BWC's 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 reviews meta data assigned to BWC data to ensure accuracy.

User access to BWC data is managed by the assignment of roles and permissions in Evidence.com. 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 the data and sharing of the data.

When BWC data is deleted from Evidence.com, it's contents cannot be determined.

The Big Lake Police Department has had no breach of security.

No discrepancies noted.

Audit Requirement: Sharing Among Agencies

Determine if non public BWC data is shared with other law enforcement agencies, government entities, or federal agencies.

The Big Lake Police Department's BWC policy states that BWC data shall be made available to prosecutors, courts, and other criminal justice agencies as provided by law and in accordance with the Minnesota Government Data Practices Act. BWC data shared with other agencies is documented in the Big Lake Police Department's Records Management System. Documentation includes date, time, unit, and recipient of the data.

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.

An Axon CJIS Compliance White paper outlines the specific security policies and practices for Evidence.com and how they are compliant with the CJIS Security Policy. Axon has signed the CJIS Security Addendum in all states and has performed statewide CJIS-related vendor requirements in Minnesota. Axon has incorporated the CJIS Security Addendum by reference into the Evidence.com service with Big Lake Police Department. Axon maintains signed CJIS

Security Addendum certification pages for Axon personnel. Authorized Axon personnel are required to complete Level 4 CJIS Security Training upon assignment and biennially 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 Big Lake Police Department's BWC system was purchased and implemented prior to the requirement of Minn. Statute § 626.8473, Subd. 2 for public comment. The Big Lake City Council approved the full implementation of the BWC program at their January 13, 2016 Council meeting.

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 Big Lake 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 does not include procedures to address violations of the policy and discipline standards for unauthorized access to data.

One discrepancy noted.

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

Dated: May 17, 2019

Lynn Lembcke Consulting



Lynn Lembcke