

## INDEPENDENT AUDIT REPORT

Chief Thomas Gifferson  
Hutchinson Police Department  
10 Franklin St. SW  
Hutchinson, MN 55350

Dear Chief Gifferson:

An independent audit of the Hutchinson Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted of April 13, 2019. The objective of the audit was to verify Hutchinson 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 Hutchinson Police Department is located in McLeod County, Minnesota and employs twenty-four (24) peace officers. The Hutchinson Police Department utilizes 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.*

A report produced from Evidence.com for all BWC data collected during the time period August 1, 2016, through December 31, 2018, was created. All data collected during the specified time period is classified as private or non public data. There were no instances of data classified as public data. The Hutchinson 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 Hutchinson Police Department utilizes the City of Hutchinson Records Retention Schedule 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. A Police Sergeant is responsible for monitoring proper categorization and meta data applied to BWC data, as well as officer use of the system. The assigned Police Sergeant randomly reviews video prior to its deletion on a bi-monthly basis.

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

No discrepancies 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 on-line request form or in person. During the time period August 1, 2016 through December 31, 2018, the Hutchinson Police Department fulfilled requests for copies of BWC data from data subjects. Data subjects other than the requestor were redacted. A copy of the redacted video is maintained in Evidence.com along with the original copy. A copy of the request form is maintained in a data request file and a supplemental report is created. The assigned Police Sergeant is responsible for reviewing all data prior to its release.

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 April 13, 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 Hutchinson Police Department BWC policy requires 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 confirmed that officers are wearing and activating their BWCs.

A copy of the Hutchinson 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 Hutchinson Police Department was produced from Evidence.com and reviewed. The report details the total amount of data created, stored/maintained, and deleted.

The Hutchinson Police Department utilizes the City of Hutchinson Records Retention Schedule 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 on-line request form 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 Hutchinson Police Department's BWC policy states that officers who are issued BWCs as part of their uniform, shall wear and activate the BWC consistent with policy. The policy does not state that officers are only allowed to use agency issued portable recording systems issued and maintained by the agency.

One discrepancy 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 assigned sergeant 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 and sharing of data. The BWC policy requires department members to document access to recordings within Evidence.com. Access documentation is captured in the audit trail.

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

The Hutchinson 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 Hutchinson Police Department's BWC policy allows for the sharing of data with prosecutors and states that dissemination outside the agency is prohibited except to the extent permitted or required under the Minnesota Government Data Practices Act. BWC data that is shared with other agencies is done so by utilizing the Evidence.com share or secure link functionality. Both sharing methods are captured in the Evidence.com audit trail. A listing of shared data can be produced using the Evidence.com Evidence Shared and Downloaded Report.

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.*

An Evidence.com Evidence Created Report documents the date and time portable recording system data were collected and deleted. The Evidence.com Shared and Downloaded Report documents how the data are used. The audit trail documents and any and all actions taken from the creation of the recording, to its deletion. The audit trail is maintained after data is deleted.

### **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 contract with Hutchinson 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 Hutchinson Police Department's BWC system was purchased and implemented prior to the requirement of Minn. Statute § 626.8473, Subd. 2.

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 Hutchinson 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 minimum requirements of Minn. Stat. § 626.8473, Subd. 3, with the exception of (b)(5) "circumstances under which a data subject must be given notice of a recording."

One discrepancy noted.

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

Dated: June 30, 2019

Lynn Lembcke Consulting

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Lynn Lembcke