

## INDEPENDENT AUDIT REPORT

Chief Mike Masten  
Bemidji Police Department  
613 Minnesota Ave. NW  
Bemidji, MN 56601

Dear Chief Masten:

An independent audit of the Bemidji Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on February 7, 2020. The objective of the audit was to verify Bemidji 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 Bemidji Police Department is located in Beltrami County, Minnesota, and employs thirty-four (34) peace officers. The Bemidji Police Department utilizes Digital Ally body-worn cameras and software and is in the process of transitioning to Panasonic Arbitrator (Panasonic) body-worn cameras and software. BWC data is stored on a local file server.

### **Audit Requirement: Data Classification**

*Determine that the data collected by BWCs are appropriately classified.*

Bemidji Police Department BWC data is presumptively private. The BWC data classification is documented in the Bemidji Police Department Records Management System. During the time period February 1, 2018, through January 31, 2020, the Bemidji Police Department had one instance of BWC data with a public data classification resulting from the discharge of a firearm by a peace officer in the course of duty. There were no instances of 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 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 Bemidji Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in the Digital Ally and Panasonic software systems. At the conclusion of a BWC recording, meta data, including a Digital Ally event type or a Panasonic classification, is assigned. Each event type/classification has an associated retention period. Upon reaching the retention date, evidence is systematically deleted. Data relating to active criminal investigations is burned to disk and stored in property evidence until disposition by the Court. Disks are destroyed by shredding, and destruction is documented in the evidence Chain of Custody report.

Randomly selected videos from a Digital Ally Video Summary report were verified against audit trail reports. Each record was deleted or maintained in accordance with record retention. Meta data and audit trails for deleted BWC video is preserved in Digital Ally. No Panasonic records had reached their retention period. Records selected were from the time period February 1, 2018, through January 31, 2020. No requests to retain BWC data beyond the applicable retention period have been received by the Bemidji Police Department.

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.*

Procedures for requesting data can be found on the City of Bemidji's website. BWC data is available and access may be requested by submission of a Data Disclosure Request Form. During the time period February 1, 2018, through January 31, 2020, the Bemidji Police Department had no requests to view BWC data but did fulfill requests for copies of BWC data from data subjects. Data subjects other than the requestor were redacted. A copy of the redacted data is maintained by the agency. BWC data requests are documented in the Police Records Management System. Prior to the release, the redacted BWC data is reviewed by the Criminal Intelligence Analyst, the Chief of Police, or the Captain.

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.*

Bemidji Police Department's BWC inventory consists of 26 devices. The inventory of recording devices owned and maintained by the agency reside within the Digital Ally and Panasonic software. Inventories include serial number, device name, and officer assigned to the device.

The Bemidji 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 data stored in Digital Ally and confirmed that officers are wearing and activating their BWCs. A copy of the Bemidji Police Department's Policy on BWCs is posted on the City's website.

Digital Ally Summary Reports and Deleted Video Summary Reports and a Panasonic Uploaded Video Report detail the total amount of audio and video collected, deleted, and stored/maintained by the Bemidji Police Department.

The Bemidji Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention in Digital Ally and Panasonic. BWC video is fully deleted from the local file server upon the scheduled deletion date. Meta data is retained in Digital Ally.

BWC data is available upon request, and access may be requested by submission of a Data Disclosure 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 Bemidji Police Department's BWC policy authorizes and requires the use of department-issued BWC's and states that officers may use only department-issued BWC's.

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 monthly reviews of BWC data usage to ensure accuracy and compliance with policy. Reviews are documented within the BWC software. The City of Bemidji adopted a Policy for Ensuring the Security of Not Public Data to ensure appropriate access to not public data and limit access to not public data to employees whose work assignment reasonably requires access.

User access to BWC data is managed by the assignment of roles and permissions in Digital Ally and Panasonic. 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. Access to BWC data is captured in the audit trail.

Bemidji Police Department BWC data is stored on a secure local file server hosted by the Beltrami County MIS Department. Access to BWC software and data is managed by the Police Captain.

When BWC data is deleted from Digital Ally, Panasonic, or burned disk, its contents cannot be determined. The Bemidji Police Department has had no security breaches, and a BCA CJIS Security Audit was last conducted on October 2, 2019.

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 Bemidji Police Department's BWC policy allows for the sharing of data with other law enforcement agencies for legitimate law enforcement purposes only, and for the sharing of data with prosecutors, courts and other criminal justice entities as provided by law. Sharing of data is documented in writing at the time of disclosure in the Police Records Management System Action 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.*

Reports produced from Digital Ally document the date and time BWC data were collected and deleted. Evidence Chain of Custody reports document the destruction date of BWC data burned to disk. Reports produced from Panasonic document the date and time BWC was collected. At the time of audit, no Panasonic data had reached its retention. Use and sharing of BWC data and data classification is documented in the Records Management System.

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.*

Bemidji Police Department BWC data is stored on a local file server.

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 Bemidji Police Department solicited for public comment through a social media survey and during a Body Camera Informational Meeting on April 6, 2017. The Bemidji City Council held a public hearing at their April 17, 2017, meeting and approved the purchase of a body worn camera system at their November 20, 2017, 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 Bemidji 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.

No discrepancies noted.

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

Dated: April 14, 2020

Lynn Lembcke Consulting



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Lynn Lembcke