

INDEPENDENT AUDIT REPORT

Chief Steven Frazer
Prior Lake Police Department
4649 Dakota St. SE
Prior Lake, MN 55372

Dear Chief Frazer:

An independent audit of the Prior Lake Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on February 26, 2022. The objective of the audit was to verify Prior Lake 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 Prior Lake Police Department is located in Scott County, Minnesota and employs thirty-one (31) peace officers. The Prior Lake Police Department utilizes Axon body-worn cameras and utilizes Evidence.com cloud-based evidence management storage. The audit covers the time period January 1, 2020, through January 31, 2022.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

Prior Lake Police Department BWC data is presumptively private. All data collected during the audit period is classified as private or non-public data. The Prior 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 Prior 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. Upon reaching the retention period, evidence is systematically deleted. Deletion of the data is captured in the audit trail.

A report produced from Evidence.com of all BWC data collected during the time period January 1, 2020, through January 31, 2022, was created. Randomly selected records from the Evidence Created Report were reviewed, and the date and time the data was created was verified against the deletion date. Each of the records were deleted or maintained in accordance with the record retention. Randomly selected records from the Evidence Created Report were compared to audit trail reports, and each record was deleted or maintained in accordance with the record retention.

The Prior Lake Police Department had received no requests from data subjects to retain BWC data beyond the applicable retention period.

Supervisors and Records staff monitor 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 are redacted.

BWC data is available and access may be requested by submission of a City of Prior Lake Data Request Form. During the time period January 1, 2020, through January 31, 2022, the Prior Lake Police Department had received no requests to view BWC data but did fulfill requests for copies of BWC video from data subjects. Data subjects who had not consented to release of the data were redacted. A copy of the redacted video is stored in Evidence.com along with the original copy. The request is documented in Evidence.com Post Notes and in the Records Management System case dissemination log. The Data Request Form is retained. The Records Supervisor 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.

Prior Lake Police Department's BWC inventory consists of thirty-five (35) devices. An inventory search in Evidence.com on February 26, 2022, detailed the number of recording devices owned and maintained by the agency. The inventory included the device model, serial number, device name, the officer assigned to the device, last upload date, device status, error status, firmware version, and warranty date.

The Prior Lake Police Department has established and enforces a BWC policy that governs the use of portable recording systems by peace officers while in the performance of their duties. The Prior Lake Police Department's BWC policy requires officers to conduct a function test of their BWC at the beginning of each shift. Officers noting a malfunction during test, or at any other time, are required to promptly report the malfunction to their supervisor.

Meta data applied to function tests provides a daily record of the total number of BWC devices deployed. 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 review of the total number of BWC videos created per quarter, and a comparison to calls for service, shows a consistent collection of BWC data.

During implementation of the BWC program, peace officers were trained by an Axon trainer. New officers are trained as part of their field training program.

Evidence.com queries detail the total amount of BWC data created, stored/maintained, and deleted. The Prior Lake Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in Evidence.com. BWC data is fully deleted from Evidence.com upon reaching its scheduled deletion date. Meta data and audit trails are maintained in Evidence.com after deletion of BWC video and audio.

BWC data is available upon request, and access may be requested by submission of a City of Prior Lake 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 Prior Lake Police Department's BWC policy authorizes and requires the use of department-issued BWCs, and states that peace 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.

Supervisors conduct monthly reviews of BWC data to ensure accuracy and compliance with policy. Supervisors and Records staff monitor meta data assigned to BWC data to ensure accuracy and proper retention.

User access to BWC data is managed by the assignment of roles and permissions in Evidence.com. Roles and Permissions are administered by the Police Commander, and permissions are based on staff work assignments. The agency's BWC policy governs access to and sharing of data. Prior Lake Police Department personnel are prohibited from accessing or sharing BWC data except for legitimate law enforcement purposes. The BWC policy requires department members to document the purpose for accessing BWC data within Evidence.com. Access documentation is captured in the audit trail.

When BWC data is deleted from Evidence.com, its contents cannot be determined. The Prior Lake Police Department has had no security breaches.

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 Prior Lake 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. Agencies seeking access to BWC data submit a written request. Secure electronic sharing of data within Evidence.com is captured in the audit trail. Sharing of data is documented on a spreadsheet and within the case in the Records Management System.

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.

Evidence.com and the Evidence.com Evidence Created Report document the date and time portable recording system data were collected and deleted per retention. All BWC data collected from the time period January 1, 2020, through January 31, 2022, is classified as private or non-public data. The Evidence.com Sharing Audit Report, an Excel spreadsheet, case notes in the Records Management System, and the Evidence.com audit trail document how the data are used.

The audit trail is maintained in Evidence.com after deletion of video. The Evidence.com audit trail documents each and every action taken from the creation of the recording to its deletion, as well as access to the audit trail after BWC has been deleted.

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 Axon Master Services and Purchase Agreement. 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. Axon appears on the BCA Vendor Screening Program list of approved and screened vendors and is vetted in accordance with the security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services Division Security Policy.

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 Prior Lake City Council solicited for public comment at their August 21, 2017, meeting. The Council approved the purchase of BWCs at their October 16, 2017, meeting and the BWC system was implemented January 1, 2018.

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 Prior Lake Police Department has established and enforces a BWC policy. 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. The BWC policy is posted on the agency's website.

No discrepancies noted.

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

Dated: March 24, 2022

Lynn Lembcke Consulting

Lynn Lembcke

Lynn Lembcke