

INDEPENDENT AUDIT REPORT

Chief Mark Bruley
Brooklyn Park Police Department
5400 85th Ave. No.
Brooklyn Park, MN 55443

Dear Chief Bruley:

An independent audit of the Brooklyn Park Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on August 11, 2022. The objective of the audit was to verify Brooklyn Park 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 Brooklyn Park Police Department is located in Hennepin County, Minnesota and employs one hundred seven (107) peace officers. The Brooklyn Park Police Department utilizes L3 Mobile Vision/Safe Fleet (L3 MVI) and stores video on a local file server and on disk in Property/Evidence. The audit covers the time period August 1 2020, through July 31, 2022.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Brooklyn Park Police Department BWC data is presumptively private. BWC Data collected during the audit period consists of both public data and private or nonpublic data. Public BWC data resulted from an instance of the discharge of a firearm by a peace officer. Brooklyn Park Police Department had no incidents 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 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.

The Brooklyn Park Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency-specified retention for BWC data. BWC data is stored on L3 MVI until burned to disk and stored in Property/Evidence. Purge of data from L3 MVI is captured in the video log and media chain of custody. At the time of audit, no BWC data had reached the agency specified seven-year retention period.

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

Supervisors monitor categorization of BWC data to ensure data are appropriately retained.

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 Brooklyn Park Police Department Body Camera Video Request Form. During the time August 1, 2020, through July 31, 2022, the Brooklyn Park Police Department had received both requests to view, and requests for copies of, BWC data from data subjects. Data subjects who had not consented to release of the data were redacted. The request is documented in the Activity Log of the Records Management System and a copy of the request form is maintained in the case file.

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.

Brooklyn Park Police Department's BWC inventory consists of one hundred six (106) devices. An inventory search in L3 MVI on August 11, 2022, detailed the number of recording devices owned and maintained by the agency.

The Brooklyn Park Police Department's BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The Department's BWC policy requires officers to ensure the BWC is in good working order and operational at the start of their shift. Peace 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, policy, and statute during implementation. New officers are trained as part of their field training program.

Randomly selected dates from the patrol schedule were verified against a L3 MVI Media Report and confirmed that BWC's 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 calls for service shows a consistent collection of BWC data.

A L3 MVI Media Report details the total amount of BWC data created and stored/maintained. No BWC data has been deleted. The Brooklyn Park Police Department utilizes the General Records Retention Schedule for Minnesota Cities and seven-year retention for BWC data. BWC data is fully deleted from the server upon reaching its purge date. Meta data and audit trails are maintained in L3 MVI after purge of BWC data.

BWC data is available upon request, and access may be requested by submission of a Brooklyn Park Police Department Body Camera Video 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 Brooklyn Park Police Department's BWC policy prohibits the use of personally owned recording devices while on-duty without the express consent of the Patrol Lieutenant.

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 weekly and annual audits of BWC data to ensure accuracy. Supervisors conduct reviews of BWC videos to ensure BWCs are being utilized in compliance with policy.

User access to BWC data is managed by the assignment of roles and permissions in L3 MVI. Permissions are based on staff work assignments. Roles and Permissions are administered by the Deputy Chief and the Police Technology Specialist. Access to L3 MVI is password protected. The agency's BWC policy, BWC Standard Operating Procedures, and Records Maintenance and

Release Policy govern the use, access, and release of protected BWC data. Protected information may only be accessed for legitimate work-related reasons. Access to BWC data is captured in the video log and media chain of custody. A User Activity Report documents access to BWC data.

The Brooklyn Park Police Department has had no security breaches. A BCA CJIS security audit was conducted in October of 2019.

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 Brooklyn Park Police Department's Portable Audio/Video Recorder and Body Worn Camera Standard Operating Procedures Policies allow for the sharing of data with other law enforcement agencies for legitimate law enforcement purposes only. Law enforcement agencies seeking access to BWC data submit a written request. Sharing of data is documented in the Records Management System case file. A User Activity Report documents access to and downloading of BWC data.

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.

L3 MVI and the L3 MVI Media Report document the date and time portable recording system data were collected. BWC data collected during the audit period has both public and private or nonpublic data classifications. The Records Management System Activity Log, the L3 MVI Video Log and Media Chain of Custody, and the User Activity Report document how the data are used. The Video Log and Media Chain of Custody are maintained in L3 MVI after deletion of video. The L3 MVI Video Log and Media Chain of Custody documents each and every action taken from the creation of the recording to its deactivation. All BWC data is active, and no data has been destroyed per the seven-year retention period.

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.

Brooklyn Park Police Department's electronic BWC data is stored on a local file server in a secure location. Access to the server is password protected and requires dual authentication. The server is continually backed up on optical disk. BWC data burned to disk is securely stored in Property/Evidence.

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 Brooklyn Park Police Department solicited public comment prior to purchase and implementation of the body worn camera program. Public comment was solicited through community meetings on December 15, 2015, and January 5, 2016. The Brooklyn Park City Council held a public hearing at their February 8, 2016, 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 Brooklyn Park Police Department has established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's Portable Audio/Video Recorder and Body Worn Camera (BWC) Standard Operating Procedures Policies include all of the 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 Brooklyn Park and Brooklyn Park Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: September 7, 2022

Lynn Lembcke Consulting



Lynn Lembcke