

## INDEPENDENT AUDIT REPORT

John Swenson  
Public Safety Director  
Lino Lakes Police Department  
640 Town Center Pkwy.  
Lino Lakes, MN 55014

Dear Director Swenson:

An independent audit of the Lino Lakes Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted of June 7, 2022. The objective of the audit was to verify Lino Lakes 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 Lino Lakes Police Department is located in Anoka County, Minnesota and employs twenty-seven (27) peace officers. The Lino Lakes Police Department utilizes Panasonic Arbitrator body-worn cameras and software and stores the BWC data on a local file server hosted of Metro-Net. The audit covers the time period May 28, 2020, through May 31, 2022.

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

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

Lino Lakes Police Department BWC data is presumptively private. All data collected during the audit period is classified as private or nonpublic data. The Lino Lakes Police Department had no instances 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 Lino Lakes Police Department utilizes the City of Lino Lakes Retention Schedule and agency specified retention periods in the Arbitrator 360° Back-End Client software system. Either during, or at the conclusion of a BWC recording, an Arbitrator classification is assigned. Each Arbitrator classification has an associated retention period. Upon reaching the retention date, data is systematically deleted.

A report produced from the server detailing all BWC data created, maintained, and deleted during the time period May 28, 2020, through May 31, 2022, was provided. Randomly selected records from the server log 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. All data was maintained for at least the minimum ninety (90) days required by statute.

The Lino Lakes Police Department has not received a request from a data subject to retain BWC data beyond the applicable retention period.

Supervisors monitor proper categorization of BWC data to ensure 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 must be redacted.*

BWC data is available to data subjects and access may be requested by submission of a Request for Information form. During the time period May 28, 2020, through May 31, 2022, the Lino Lakes Police Department had received both requests to view and requests for copies of BWC data from data subjects. Data subjects other than the requestor were redacted using third party redaction software. A notation is added to the Request for Information forms documenting that data was redacted and the identity of the data subject was verified. Request for Information forms are maintained by the Lino Lakes Police Department.

*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.*

Lino Lakes Police Department's BWC inventory consists of twenty-seven (27) devices. Devices are assigned to individual officers. An inventory of the total number of devices owned by the agency is maintained in a Word document. The inventory includes the officer assigned to the device and the device ID.

The Lino Lakes Police Department BWC policy requires patrol officers to wear BWC's while on duty. Sergeants monitor deployment and use by officers. The policy governs the use of BWCs by peace officers while in the performance of their duties. The 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 BWC's during implementation. New officers are trained as part of their field training program.

Randomly selected dates from the patrol schedule were verified against the server log 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.

The server log report summarizes the total amount of BWC data created, deleted, and stored/maintained. BWC video is fully deleted from the Arbitrator 360° Back-End Client and local file server upon reaching the scheduled deletion date.

The Lino Lakes Police Department utilizes the City of Lino Lakes Records Retention Schedule and agency specified retention in Arbitrator 360° Back-End Client.

BWC data is available upon request, and access may be requested by submission of a Request for Information 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 Lino Lakes Police Department's BWC policy states that officers are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Sergeant.

*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.*

Sergeants conduct quarterly random reviews of BWC data to ensure BWCs are being utilized in compliance with policy and that data is properly categorized.

User access to BWC data is managed by the assignment of group roles and permissions in Arbitrator 360° Back-End Client. Permissions are based on staff work assignments. IT, under the direction of the Police Captain, is responsible for managing the assignment of user rights.

Law enforcement personnel are authorized by the Director of Public Safety to access nonpublic BWC data so long as the access is for a legitimate specified law enforcement purpose and in compliance with policy. The BWC Policy requires personnel to log when BWC data is viewed. Access to BWC data is captured in the audit trail.

When BWC data is deleted from Arbitrator 360° Back-End Client and the server, its contents cannot be determined. Lakes Police Department has had no security breaches. A BCA CJIS security audit was conducted in March of 2021.

*No discrepancies noted.*

### **Audit Requirement: Sharing Among Agencies**

*Determine if nonpublic BWC data shared with other law enforcement agencies, government entities, or federal agencies is in accordance with statute.*

The Lino Lakes Police Department BWC and Records Maintenance and Release policies govern access to, and sharing of, data. Law enforcement agencies, government entities, or federal agencies seeking access to BWC data submit a written request for the data. Sharing of BWC data with other law enforcement agencies, government entities, or federal agencies is documented in an Excel spreadsheet.

*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.*

The Arbitrator 360° Back-End Client and the server log report document the date and time portable recording system data was collected. All BWC data for the audit period is classified as private or nonpublic data. The audit trail and an Excel spreadsheet document how the data are

used and shared. The Arbitrator 360° Back-End Client documents the date data is scheduled for deletion, and the server log report documents the date data was destroyed.

*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.*

Lino Lakes Police Department BWC data is stored on a file server hosted by Metro-Inet. The server is located in a secure area and requires dual authentication. The server is backed up every twelve (12) hours.

*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 Lino Lakes Police Department solicited public comment prior to purchase and implementation of the body worn camera program. Public comment was solicited on the department's Facebook page on November 29, 2017. The Lino Lakes City Council held a public hearing at their December 11, 2017, meeting. The body worn camera program was implemented March 18, 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 Lino Lakes Police Department BWC 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 Lino Lakes and Lino Lakes Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: September 13, 2022

Lynn Lembcke Consulting

*Lynn Lembcke*

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Lynn Lembcke