

INDEPENDENT AUDIT REPORT

Chief Ryan Seibert
Chaska Police Department
2 City Hall Plaza
Chaska, MN 55318

Dear Chief Seibert:

An independent audit of the Chaska Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on September 8, 2022. The objective of the audit was to verify Chaska 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 Chaska Police Department is located in Carver County, Minnesota and employs twenty-seven (27) peace officers. The Chaska Police Department utilizes Axon body-worn cameras and utilizes Evidence.com cloud-based evidence management storage. The audit covers the time period July 9, 2020, through August 31, 2022.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Chaska Police Department BWC data is presumptively private. All data collected during the audit period is classified as private or non-public data. The Chaska 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 if the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The Chaska 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 its retention date, evidence is systematically deleted. Deletion of the data is captured in the audit trail.

A report produced from Evidence.com for all BWC data collected during the time period July 9, 2020, through August 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 audit trail reports were compared to records from the Evidence Created Report, and each record was deleted or maintained in accordance with the record retention. All records were retained for at least the minimum ninety (90) days required by statute. The Chaska Police Department had received no requests from data subjects to retain BWC data beyond the applicable retention period.

The Lieutenant and Sergeants 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 must be redacted.

BWC data is available to data subjects and access may be requested by submission of a Chaska Police Department Request for Police Information Form. During the audit period, the Chaska 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 the Records Management System dissemination log, and a copy of the request form is maintained in the Records Management System 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.

Chaska Police Department's BWC inventory consists of twenty-nine (29) devices. An inventory search in Evidence.com on September 8, 2022, detailed the number of recording devices owned and maintained by the agency. The inventory included the device name, serial number, device status, the officer assigned to the device, firmware version, date of last upload, date last connected to the dock and dock serial number, speaker volume, vibration, indicator lights, stealth, and error status.

The Chaska 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 the portable recording system by an Axon trainer during implementation of the BWC program. New officers are trained as part of their field training program.

Randomly selected dates from the patrol schedule were verified against the Evidence.com Evidence Created Report and confirmed that BWCs 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 Evidence.com System Usage Dashboard and Evidence.com queries detail the total amount of BWC data created, stored/maintained, and deleted. The Chaska 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 to data subjects upon request, and access may be requested by submission of a Chaska Police Department Request for Police 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 Chaska Police Department's BWC policy states that peace 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.

The Lieutenant and Sergeants monitor meta data assigned to BWC data to ensure accuracy and conduct random 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 Evidence.com. Roles and permissions are administered by the Police Lieutenant, and permissions are based on staff work assignments. Access to Evidence.com is password protected and requires dual authentication.

The agency's BWC policy governs access to and sharing of data. Chaska Police Department personnel are prohibited from accessing or sharing BWC data except for legitimate department business purposes. Access to BWC data is captured in the audit trail.

When BWC data is deleted from Evidence.com, its contents cannot be determined. The Chaska Police Department has had no security breaches. A BCA CJIS security audit was conducted in February of 2022.

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 Chaska Police Department's BWC and Records Maintenance and Release policies govern sharing of data with members of other governmental entities and agencies. Agencies seeking access to BWC data submit a written request. BWC data is shared via secure electronic case sharing within Evidence.com. Sharing of BWC data is captured in the audit trail. An Evidence.com Evidence Sharing Audit Report and the Records Management System case file provide documentation of shared 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.

Evidence.com and the Evidence.com Evidence Created Report document the date and time portable recording system data were collected and deleted. All BWC data collected during the audit period is classified as private or non-public data. The Evidence.com Sharing Audit Report, audit trails, and the Records Management System case file 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. 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 Chaska Police Department solicited for public comment through social media, the City's website, and City Council presentations. The BWC program was implemented in June of 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 Chaska Police Department has established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The policy includes 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 Chaska and Chaska Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: October 27, 2022

Lynn Lembcke Consulting

Lynn Lembcke

Lynn Lembcke