

INDEPENDENT AUDIT REPORT

Chief Booker T. Hodges
Bloomington Police Department
1800 W. Old Shakopee Rd.
Bloomington, MN 55431

Dear Chief Hodges:

An independent audit of the Bloomington Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on May 9, 2023. The objective of the audit was to verify Bloomington Police Department's compliance with Minnesota Statutes §§13.825 and 626.8473.

Data elements the audit include:

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 Bloomington Police Department is located in Hennepin County, Minnesota and employs one hundred twenty-seven (127) peace officers. The Bloomington Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the time period March 26, 2021, through March 31, 2023.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Bloomington Police Department's BWC data consisted of both public and private or non-public data. BWC data classified as public resulted from an incident of the discharge of a firearm by a peace officer and use of force that resulted in substantial bodily harm. The Bloomington Police Department had received no 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 BWCs are appropriately retained and destroyed in accordance with statutes.

The Bloomington Police Department utilizes the City of Bloomington Records Retention Schedule and agency-specified retention periods in Evidence.com. At the conclusion of a BWC recording, BWC data synchs with the computer aided dispatch (CAD) system and assigns meta data to the BWC data. Officers are responsible for ensuring data is appropriately classified. 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 of all BWC data collected during the audit period was produced from Evidence.com. 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 were verified against audit trail reports, and each record was deleted or maintained in accordance with the record retention. All records were maintained for at least the minimum 90 days required by statute.

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

Officers and Supervisors 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 an online JustFOIA data request. During the audit period, the Bloomington Police Department had received both requests to view and requests for copies of BWC video from data subjects. Data subjects who had not consented to the release of data were redacted. A copy of the redacted video is stored in Evidence.com along with the original copy.

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.

A BWC Inventory Report was produced from Evidence.com. At the time of audit, the Bloomington Police Department's BWC inventory consisted of two hundred eighty-nine (289) devices. The inventory included current and recently replaced devices which were still in stock. The inventory report included the device model, serial number, device name, and officer assigned to the device, officer badge ID, date of last upload, device status, error status, firmware version, and warranty date.

The Bloomington Police Department's BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The policy requires officers to conduct a function test of their BWC at the beginning of each shift and to report any failure or malfunction to his/her supervisor.

Peace officers were trained on the use of the portable recording system during implementation. Newly hired officers are trained as part of their field training program.

Officers working on randomly selected dates, and randomly selected calls for service, were verified against the Evidence Created Report and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs. A comparison between the total number of BWC videos created per quarter and total calls for shows a consistent collection of BWC data.

Evidence.com queries detail the total amount of BWC data created, stored/maintained, and deleted.

The Bloomington Police Department utilizes the City of Bloomington Records Retention Schedule and agency specified retention periods in Evidence.com. BWC video 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 audio and video. BWC data is available upon request, and access may be requested by submission of an online JustFOIA data request.

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 Bloomington Police Department's BWC policy states that officers shall use only Department-issued BWCs.

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 BWC data is properly categorized and that BWCs are being used in compliance with policy.

Nonpublic BWC data is only available to persons whose work assignment reasonably requires access to the data. User access to BWC data is managed by the assignment of roles and permissions in Evidence.com. Permissions are based on staff work assignments. Roles and Permissions are administered by the Commander. Access to Evidence.com is password protected and requires dual authentication.

The agency's BWC policy governs access to BWC data. Agency personnel are authorized to access BWC data for legitimate, specified law enforcement purposes. The BWC policy requires agency personnel to document their reason for accessing BWC data at the time of access. User access to BWC data is captured in the audit trail. The BWC policy states that unauthorized access of not public data is a misdemeanor and just cause for suspension without pay or dismissal of the employee.

When BWC data is deleted from Evidence.com, its contents cannot be determined. The Bloomington 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 Bloomington Police Department's BWC policy allows for the sharing of data with other law enforcement agencies, prosecutors, courts, and other criminal justice entities as provided by law. Law enforcement agencies seeking access to BWC data submit a written request. Sharing of data is captured in the audit trail. The Evidence.com Sharing Audit Report provides 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 Created Report document the date and time portable recording system data were collected and deleted. BWC data collected during the audit period includes both public and private or non-public data. The Evidence.com audit trail documents how the data are used. The audit trail is maintained in Evidence.com after deletion of video. The 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.

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 Bloomington Police Department solicited for public comment through their website and by notice in their official publication. The Bloomington City Council held a public hearing at their June 4, 2018, City Council 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 Bloomington 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 Bloomington and Bloomington Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: June 7, 2023

Lynn Lembcke Consulting

Lynn Lembcke

Lynn Lembcke