

INDEPENDENT AUDIT REPORT

Eric Peterson
Chief of Police
Anoka Police Department
275 Harrison St.
Anoka, MN 55303

Dear Chief Peterson:

An independent audit of the Anoka Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on June 6, 2023. The objective of the audit was to verify Anoka 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
- Portable Recording System Policy

The Anoka Police Department is located in Anoka County, Minnesota and employs thirty-one (31) peace officers. The Anoka Police Department utilizes Panasonic Arbitrator body-worn cameras and software and stores the BWC data on a local file server. The audit covers the time period March 1, 2021, through May 31, 2023.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

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

The Anoka Police Department utilizes the General Records Retention Schedule for Minnesota Cities 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 server log report of all data collected during the audit period was produced. 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 in accordance with the record retention. All records were maintained for at least the minimum 90 days required by statute. BWC video, meta data, and audit trails are purged from the Arbitrator 360° Back-End Client upon reaching the specified retention period.

The Anoka Police Department had received no requests from data subjects to retain BWC data beyond the applicable retention period. The data was retained as requested.

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 Anoka Police Department Body Camera Data Request form. During the audit period, the Anoka 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 the release of the BWC data were redacted. A copy of the redacted video is maintained in Property/Evidence. Access to BWC data by data subjects is documented on a spreadsheet.

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.

Anoka Police Department's BWC inventory consists of thirty-seven (37) devices. Inventory is maintained on an Excel spreadsheet and documents the unit, serial number, officer assigned to the device, and the battery replacement date.

The Anoka Police Department 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 perform a function test of their BWC at the beginning of each shift to ensure the device is operating properly. Officers noting a malfunction must report it to the on-duty supervisor and Patrol Captain and obtain a replacement BWC.

Peace officers initially trained on the use of BWC's during a mandatory department meeting. 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 server log 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.

The Arbitrator 360° Back-End Client and the server log report detail the total amount of BWC data created, deleted, and stored/maintained. The Anoka Police Department utilizes the General Records Retention Schedule for Minnesota cities and agency specified retention in Arbitrator 360°.

BWC video is fully deleted from the Arbitrator 360° Back-End Client and local file server upon reaching the scheduled deletion date. Meta data and audit trail information associated to the deleted video is not maintained in the Arbitrator 360° Back-End Client Library. The server log report maintains deleted BWC meta data. BWC data is available upon request, and access may be requested by submission of a Body Camera 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 Anoka Police Department's BWC policy states that Officers may only use Department-issued BWCs in the performance of official duties for the department 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.

Sergeants conduct monthly random reviews of BWC data to assess whether properly categorized and that BWCs are being used in compliance with policy. Random reviews are documented in an Excel spreadsheet.

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 group roles and permissions in Arbitrator 360° Back-End Client. Permissions are based on staff work assignments. IT, under the direction of a police Captain is responsible for managing the assignment of user rights. Access to Arbitrator 360° Back-End Client is password protected and requires dual authentication.

The BWC policy governs access to BWC data. Agency personnel are authorized to access BWC data for legitimate law enforcement and data administration purposes. Personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law enforcement related purposes. Access to BWC data is captured in the audit trail. The BWC policy states that officers failing to adhere to the policy or applicable laws regarding the use of BWC and associated data are subject to discipline, up to and including termination.

When BWC data is deleted from Arbitrator 360° Back-End Client, its contents cannot be determined. The Anoka 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 Anoka 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 written requests for the data. Sharing of BWC data with other law enforcement agencies, government entities, or federal agencies is documented in an Excel spreadsheet and detailed in a supplemental report.

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 Library and a database 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 non-public data. The audit trail, an Excel spreadsheet, and supplemental reports document how the data are used and shared. Active BWC data within the Arbitrator 360° Back-End Client Library includes a classification with an associated retention period and a scheduled deletion date.

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.

Anoka Police Department BWC data is stored on a file server hosted by Metro-INET. The server is stored in a secure location and access is password protected.

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 Anoka Police Department solicited for public comment by Public Notice in the City's official publication prior to purchase and implementation of the body worn camera program. The Anoka City Council held a public open forum at their February 4, 2019, 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 Anoka Police Department's BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy includes all of the

minimum requirements of Minn. Stat. § 626.8473, Subd. 3.

No discrepancies noted.

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

Dated: July 19, 2023

Lynn Lembcke Consulting

Lynn Lembcke

Lynn Lembcke