

INDEPENDENT AUDIT REPORT

Colonel Matt Langer
Minnesota State Patrol
445 Minnesota St., Suite 130
St. Paul, MN 55101

Dear Colonel Langer:

An independent audit of the Minnesota State Patrol's Portable Recording System (body-worn cameras (BWCs)) was conducted on November 3, 2023. The objective of the audit was to verify Minnesota State Patrol'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 Minnesota State Patrol (MN State Patrol) employs seven hundred sixteen (716) peace officers, non-sworn commercial vehicle inspectors, and capitol security officers. The Minnesota State Patrol utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period November 1, 2021, through October 31, 2023.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

BWC data collected during the audit period included confidential, public, and private nonpublic data. Publicly classified data resulted from incidents of the discharge of a firearm by a peace officer in the course of duty and a court order directing the MN State Patrol to make the BWC data public. The MN State Patrol had no instances of the use of force that resulted in substantial bodily harm or requests from data subjects for the data to be made accessible 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 MN State Patrol utilizes the Minnesota Department of Public Safety, MN State Patrol Record Retention Schedule and agency specified retention periods in Evidence.com. At the conclusion of a BWC recording meta data, including an Evidence.com category, are assigned 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 was produced from Evidence.com for all BWC data collected during the audit period. Randomly selected records from the Evidence Created Report were examined, and the date and time the data was created was verified against the deletion date. All records were deleted or maintained in accordance with the record retention, and all records were maintained for at least the minimum ninety (90) days required by statute.

The MN State Patrol had received no requests from data subjects to retain BWC data beyond the applicable retention period.

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 a MN State Patrol Body Worn Camera Request Form. During the audit period, the MN State Patrol had received both requests to view BWC video 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. Access by data subjects is documented in an Excel Spreadsheet and the Evidence.com Sharing Audit Report. Request forms are maintained by the Data Practices Coordinator.

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.

MN State Patrol's BWC inventory consists of eight hundred sixteen (816) devices. An inventory report produced from Evidence.com detailed the number of recording devices owned and maintained by the agency. The inventory included the device model, serial number, device name, the officer assigned to the device, date of last upload, device home, device status, error status, and firmware version.

The MN State Patrol 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 routinely inspect the BWC and immediately report any defect to a supervisor.

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

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

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

The MN State Patrol utilizes the Minnesota Department of Public Safety, MN State Patrol Record 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 a MN State Patrol Body Worn Camera 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 MN State Patrol's BWC policy states that members are prohibited from using personal recording devices while on duty.

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 utilizing the Officer Performance functionality in Evidence.com to ensure BWC data is properly labeled and that BWCs are being utilized 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. Access to Evidence.com is password protected and requires dual authentication.

The MN State Patrol's BWC Policy governs access to BWC data. Agency personnel are authorized to access BWC data for legitimate and specified law enforcement purposes only. User access to data is captured in the audit trail. The BWC policy states that any member who does not utilize the equipment as outlined in policy or misuses recorded data will be subject to disciplinary action up to and including termination.

When BWC data is deleted from Evidence.com, its contents cannot be determined. The MN State Patrol has had no security breaches. BCA conducts security audits at each patrol district.

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 MN State Patrol's BWC policy allows for the sharing of data with prosecutors, courts, and other criminal justices entities as provided by law. Law enforcement agencies seeking access to BWC data are required to submit a written request. Sharing of data is captured in the audit trail. An Evidence.com Sharing Audit Report and an Excel spreadsheet provide documentation of all 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. BWC data collected during the audit

period consists of both public and private nonpublic classified data. The Evidence.com notes and audit trail 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 MN. 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 MN State Patrol, as a state law enforcement agency, had no statutory requirement to provide an opportunity for public comment. The MN State Patrol posted the draft policy on their website prior to deployment and provided a contact for comments or questions.

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 MN State Patrol has established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy included all of the minimum

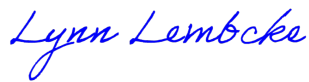
requirements of Minn. Stat. § 626.8473, Subd. 3 with the exception of prohibiting the altering, erasing or destroying of data or meta data related to the recording prior. The policy was amended and fulfilled this requirement prior to completion of this report. The BWC policy is posted on the agency's website.

Discrepancy noted.

This report was prepared exclusively for the Minnesota Department of Public Safety, MN State Patrol by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: March 6, 2024

Lynn Lembcke Consulting



Lynn Lembcke