

# INDEPENDENT AUDIT REPORT

Chief Al Yoder  
Motley Police Department  
316 Hwy. 10 S.  
Motley, MN 56466

Dear Chief Yoder:

An independent audit of the Motley Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on August 23, 2024. The objective of the audit was to verify Motley 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 Motley Police Department is located in Morrison County, Minnesota and employs one (1) peace officer. The Motley Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period April 6, 2022, through July 31, 2024.

## **Audit Requirement: Data Classification**

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

Motley Police Department BWC data is presumptively private. All data collected during the audit period is classified as private or nonpublic data. The Motley 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 BWCs are appropriately retained and destroyed in accordance with statutes.*

Motley Police Department records are processed and managed by the Morrison County Sheriff's Office. The agencies utilize the General Records Retention Schedule for Minnesota Counties, 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 was produced from Evidence.com for all BWC data collected during the audit period. 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 schedule. All records were maintained for at least the minimum ninety (90) days required by statute.

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

The Chief of Police and Morrison County Records Clerks 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 are redacted.*

BWC data is available to data subjects and access may be requested by submission of a Morrison County Sheriff's Office Body Camera Video Request Form. During the audit period, the Motley Police Department had received neither requests to view nor requests for copies of BWC video from data subjects.

*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.*

Motley Police Department's BWC inventory consists of two (2) devices. An inventory report produced from Evidence.com detailed the total 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 status, error status, firmware version, warranty date, date last docked, and camera state.

The Motley Police Department BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The policy requires officers to confirm that their BWC is operational in accordance with manufacturer specifications and department procedures and training. Officers noting a malfunction, damage, loss or theft are required to immediately report it to a supervisor.

Peace officers were trained on the use of the BWC system by Axon during implementation.

Officers working on randomly selected dates, and randomly selected calls for service, were verified against Evidence.com and the Evidence Created Report and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs.

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

The Motley Police Department utilizes the General Records Retention Schedule for Minnesota Counties 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 Morrison County Sheriff's Office Body Camera Video 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 Motley Police Department's BWC policy states that officers may use only department-issued BWCs in the performance of official duties for the agency 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.*

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 Morrison County Chief Deputy. Access to Evidence.com is password protected and requires dual authentication.

The agency's BWC Policy governs access to BWC data. Personnel may access BWC data only when there is a business need for doing so. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law enforcement related purposes. User access to data is captured in the audit trail. The BWC policy states that unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. § 13.09.

When BWC data is deleted from Evidence.com, its contents cannot be determined. The Motley Police Department has had no security breaches. A BCA CJIS Security audit of Morrison County Sheriff's Office was conducted in September of 2021.

*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 Motley Police Department's BWC policy allows for the sharing of data with other law enforcement agencies for legitimate law enforcement purposes only and for the sharing of data with prosecutors, courts and other criminal justice entities as provided by law. Law enforcement agencies seeking access to BWC would be required to submit a written request. Sharing of data is captured in the audit trail and documented in the records management system dissemination log. 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. All BWC data collected during the audit period is

classified as private or nonpublic 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 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.

*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.*

Motely Police Department solicited for public comment by public notice in their official publication and on the city's website. The Motley City Council held a public hearing at their November 29, 2021 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.*

Motley 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 that were in effect prior to August 1, 2023. It

does not include the requirements that became effective on August 1, 2023. The BWC policy is posted on the agency's website.

*Discrepancy noted.*

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

Dated: November 2, 2024

Lynn Lembcke Consulting

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Lynn Lembcke