

# INDEPENDENT AUDIT REPORT

Chief Mark Bruley  
Brooklyn Park Police Department  
5400 85<sup>th</sup> Ave. No.  
Brooklyn Park, MN 55443

Dear Chief Bruley:

An independent audit of the Brooklyn Park Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on August 6, 2024. The objective of the audit was to verify Brooklyn Park 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 Brooklyn Park Police Department is located in Hennepin County, Minnesota and employs one hundred seven (107) peace officers. Brooklyn Park Police Department utilized L3 Mobile Vision/Safe Fleet (L3 MVI) BWCs through January, 2023, and Axon BWCs starting January, 2023. L3 MVI BWC data is stored on a local file server and on disk in Property/Evidence. Axon BWC data is stored in Evidence.com. The audit covers the time period August 1, 2022, through July 31, 2024.

## **Audit Requirement: Data Classification**

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

Brooklyn Park Police Department BWC data is presumptively private. BWC Data collected during the audit period consisted of both public data and private or nonpublic data. Public BWC data resulted from the discharge of a firearm by a peace officer. Brooklyn Park Police Department had no incidents of 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.*

Brooklyn Park Police Department utilizes the General Records Retention Schedule for Minnesota Cities. L3 MVI BWC data was stored in L3 MVI until burned to disk and placed in Property/Evidence. At the time of audit, no BWC data had reached the agency specified seven-year retention period. At the conclusion of an Axon 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.

An Evidence Created 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. Randomly selected audit trail reports were verified against the Evidence Created Report, and each record was deleted or maintained in accordance with the record retention schedule.

The Brooklyn Park Police Department had received a request from a data subject to retain BWC data beyond the applicable retention period.

The Deputy Chief monitors BWC data for proper categorization to ensure 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 Brooklyn Park Police Department Body Camera Video Request Form. During the audit period, the Brooklyn Park Police Department had received no requests to view BWC data but did receive and fulfill requests for copies of BWC video from data subjects. Data subjects who had not consented to release of the data were redacted. The request is documented in the records management system Activity Log and the Evidence.com Post Notes. A copy of the request form is maintained in the 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.*

Brooklyn Park Police Department's BWC inventory consists of one hundred twenty-six (126) devices. An inventory search in Evidence.com detailed the number of recording devices owned and maintained by the agency. The inventory included the device model, serial number, device name, officer assigned to the device, date of last upload, device status, error status, firmware version, warranty date, data last docked, and camera state.

Brooklyn Park Police Department's BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The 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 and obtain a functioning device as soon as reasonably practicable.

Peace officers were trained on the use of BWCs, policy, and statute 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 BWC's 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.

A L3 MVI Media Report, Evidence.com queries, and the Evidence Created Report detail the total amount of BWC data created, stored/maintained, and deleted.

The Brooklyn Park 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 the server and Evidence.com upon reaching its scheduled deletion date. Meta data and audit trails are maintained in L3 MVI and Evidence.com after deletion of BWC audio and video. BWC data is available upon request, and access may be requested by submission of a Brooklyn Park Police Department 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 Brooklyn Park Police Department's BWC policy states that members are prohibited from using personally owned recording devices while on duty without the express consent of the Patrol Lieutenant.

*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 random reviews of BWC data to ensure data is being properly categorized 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 L3 MVI and Evidence.com. Permissions are based on staff work assignments. Roles and Permissions are administered by the Deputy Chief and the Police Technology Specialist. Access to L3 MVI is password protected. Access to Evidence.com is password protected and requires dual authentication.

The agency's BWC policy, BWC Standard Operating Procedures, and Records Maintenance and Release Policy govern the use, access, and release of protected BWC data. Authorized users may access BWC data pursuant to lawful process and in accordance with policy, statute, and the Minnesota Data Practices Act. User access to BWC data is captured in the L3 MVI video log and media chain of custody and in the Evidence.com audit trail. The BWC policy states that any member who accesses or releases recordings without authorization may be subject to discipline.

The Brooklyn Park Police Department has had no security breaches. A BCA CJIS security audit was conducted in November 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 Brooklyn Park Police Department's BWC and Body Worn Camera Standard Operating Procedures Policies allow for the sharing of data pursuant to lawful process and in accordance with policy, statute, and the Minnesota Data Practices Act. Law enforcement agencies seeking access to BWC data submit a written request. Sharing of data is documented in the records management system activity log. A L3 MVI User Activity Report documents access to and downloading of BWC data. An Evidence.com Sharing Audit Report provides documentation of

all electronically 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.*

L3 MVI, the L3 MVI Media Report, 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 nonpublic data classifications. The records management system Activity Log, the L3 MVI Video Log and Media Chain of Custody, the User Activity Report, and the Evidence.com audit trail document how the data are used. The Video Log and Media Chain of Custody and audit trails are maintained in both L3 MVI and Evidence.com after deletion of video. The L3 MVI Video Log and Media Chain of Custody and Evidence.com audit trail document each and every action taken from the creation of the recording to its deletion.

*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.*

Brooklyn Park Police Department's L3 MVI electronic BWC data is stored on a local file server in a secure location. Access to the server is password protected and requires dual authentication. The server is backed up on optical disk on a continuous basis. BWC data burned to disk is securely stored in Property/Evidence.

Axon BWC data is stored in the cloud. 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 Brooklyn Park Police Department solicited public comment prior to purchase and implementation of the body worn camera program. Public comment was solicited through community meetings on December 15, 2015, and January 5, 2016. The Brooklyn Park City Council held a public hearing at their February 8, 2016, 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.*

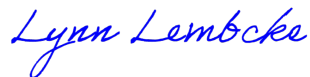
The Brooklyn Park Police Department has established and enforces BWC policies. The policies were compared to the requirements of Minn. Stat. § 626.8473. The agency's policies include all of the minimum requirements of Minn. Stat. § 626.8473, Subd. 3. The BWC policy is posted on the agency's website.

*No discrepancies noted.*

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

Dated: October 7, 2024

Lynn Lembcke Consulting



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Lynn Lembcke