

INDEPENDENT AUDIT REPORT

Chief Brian Podany
Blaine Police Department
10801 Town Square Dr. NE
Blaine, MN 55449

Dear Chief Podany:

An independent audit of the Blaine Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on January 23, 2024. The objective of the audit was to verify Blaine 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 Blaine Police Department is located in Anoka County, Minnesota and employs eighty-four (84) peace officers. The Blaine Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the time period January 1, 2022, through December 31, 2023.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Blaine Police Department BWC data is presumptively private. All BWC data collected during the audit period was classified as private or nonpublic data. The Blaine Police Department had no incidents involving 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 Blaine Police Department utilizes the City of Blaine Records Retention Schedule 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.

An Evidence Created report was produced from Evidence.com for all BWC data collected and deleted during the audit period. 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 compared to audit trail reports and verified that records were deleted in accordance with the record retention. Blaine Police Department had received no requests from data subjects to retain recordings beyond the applicable retention period.

Sergeants monitor BWC meta data for proper categorization to ensure data are appropriately retained and destroyed.

No discrepancies noted.

Audit Requirement: Access by Data Subjects

Determine that 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 data request form or through the Just FOIA online data request portal. During the audit period, the Blaine 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 data were redacted. A copy of the redacted video is stored in Evidence.com along with the original copy. Release of data is documented on an Excel spreadsheet and in the Just FOIA data request portal. Copies of data request forms are maintained in a data request folder.

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.

Blaine Police Department's BWC inventory consists of ninety-six (96) 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, and the officer assigned to the device, date of last upload, device status, error status, firmware, and warranty date.

The Blaine 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 their BWC is in good working order and to promptly report any malfunction they become aware of at any time to their supervisor and obtain a functioning device as soon as reasonably practicable. Newly hired officers are trained on the use of portable recording systems during 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 and the Evidence Created Report detail the total amount of BWC data created, stored/maintained, and deleted.

The Blaine Police Department utilizes the City of Blaine 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 video and audio. BWC data is available upon request, and access may be requested by submission of a data request form or through the Just FOIA online request portal.

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 Blaine Police Department's BWC policy states that Officers are prohibited from using personally owned recording devices while on duty without the express consent of the Patrol Captain.

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 utilize Axon Performance to conduct random reviews of BWC data to ensure proper categorization and that BWC are being utilized in compliance with policy. Random reviews are documented in Evidence.com and captured in the audit trail.

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. A Sergeant is responsible for assigning roles and permissions. Access to Evidence.com is password protected and requires dual authentication.

The agency's BWC policy governs access to BWC data. Members are authorized to access BWC data as part of internal audits and reviews, for investigation purposes, pursuant to lawful process and in compliance with the Minnesota Data Practices Act and in accordance with the Records Maintenance and Release Policy. User access to data is captured in the audit trail. The BWC policy states that any member who accesses or releases recordings without authorization may be subject to discipline.

When BWC data is deleted from Evidence.com, its contents cannot be determined. The Blaine Police Department has had no security breaches. A BCA CJIS security audit was conducted in June 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 Blaine Police Department's BWC and Records Maintenance and Release policies allows for the sharing of data pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case and in compliance with the Minnesota Data Practices Act. Agencies seeing access to BWC data submit a written request. Secure electronic sharing of data within Evidence.com is captured in the audit trail. Sharing of data is documented in an Evidence.com Sharing Audit Report and on an Excel spreadsheet.

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 queries 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 trails, the Sharing Audit Report, and an Excel spreadsheet document how the data are used. The audit trail is maintained in Evidence.com after deletion of data. The audit trail documents each and every action taken from the creation of the recording to its deletion, as well as access of the audit trail after BWC data 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 City of Blaine solicited for public comment on the purchase and implementation of a BWC system on their website and at a November 3, 2016, City Council meeting. The Blaine City Council approved the purchase of a body worn camera system on December 15, 2016. The Blaine City Council solicited public comment and approved the BWC policy at their June 15, 2017, City Council meeting. The body worn camera system was implemented September 1, 2017.

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.

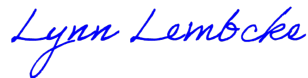
The Blaine Police Department has established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy includes all the minimum requirements of Minn. Stat. § 626.8473, Subd. 3 with the exception of prohibiting, altering, erasing or destroying metadata related to a recording; maintaining the full, unedited, and unredacted recording of a peace officer using deadly force indefinitely; and release of body camera data documenting a death resulting from the use of force by a peace officer not later than fourteen (14) days after the incident. The BWC policy is posted on the agency's website.

Discrepancy noted.

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

Dated: April 8, 2024

Lynn Lembcke Consulting



Lynn Lembcke