

INDEPENDENT AUDIT REPORT

Chief John Davis
Brainerd Police Department
225 E. River Rd.
Brainerd, MN 56401

Dear Chief Davis:

An independent audit of Brainerd Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on January 21, 2025. The objective of the audit was to verify Brainerd 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

Brainerd Police Department is located in Crow Wing County, Minnesota and is authorized for twenty-seven (27) peace officers. Brainerd Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period November 1, 2022, through December 31, 2024.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

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

Brainerd Police Department utilizes the General Records Retention Schedule for Minnesota Cities 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 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 of all BWC data created and deleted during the audit period was produced from Evidence.com. Records from the Evidence Created Report were reviewed, and the date and time the data was created was verified against the deletion date. One record was deleted in less than the ninety (90) days required by statute. All other records were deleted or maintained in accordance with the record retention schedule and were retained for at least the minimum ninety (90) days required by statute. 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.

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

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

Discrepancy 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 City of Brainerd Body Worn Camera Video Request-Data Subject form. During the audit period, Brainerd Police Department had received no requests to view BWC video but did receive and fulfill 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 requests are documented on an Excel 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.

Brainerd Police Department's BWC inventory consists of twenty-eight (28) 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, officer assigned to the device, date of last upload, device status, error status, firmware version, warranty date, last docked, and camera state.

Brainerd Police Department's BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The policy requires officers to ensure their BWC is in good working order at the beginning of each shift. Officers are required to report any malfunction or damage to the BWC coordinator or on-duty supervisor and obtain a functioning device as soon as practicable.

Peace officers were trained on the use of the BWC system by an Axon trainer 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 compared to Evidence.com and the Evidence Created Report and confirmed that BWC 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.

Evidence.com queries detail the total amount of BWC data created, stored/maintained, and deleted. Brainerd Police Department utilizes the General Records Retention Schedule for Minnesota Cities 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 City of Brainerd Body Worn Camera Video Request-Data Subject 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.

Brainerd Police Department's BWC policy states that only department-issued BWCs should be

used.

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 quarterly random reviews of BWC data to ensure BWC data is properly categorized and that BWCs are being used 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. Roles and Permissions are administered by the Lieutenant. Permissions are based on staff work assignments. Access to Evidence.com is password protected and requires dual authentication.

The BWC policy governs access to BWC data. The policy authorizes members to access to BWC data pursuant to lawful process and in accordance with policy, statute, and the Minnesota Data Practices Act. The BWC policy states that any member who accesses or releases BWC media without authorization may be subject to discipline.

When BWC data is deleted from Evidence.com, its contents cannot be determined. Brainerd 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.

Brainerd Police Department's BWC and Records Maintenance and Release policies govern the sharing of BWC data. BWC data may be shared with other law enforcement agencies and criminal justice entities pursuant to lawful process and in accordance with policy, statute, and the Minnesota Data Practices Act. Law enforcement agencies seeking access to BWC data are required to submit a written request. Secure electronic sharing of data within Evidence.com is captured in the audit trail. Sharing of data is documented in the records management system dissemination log and the Evidence.com Sharing Audit 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.

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, the records management system, and the Sharing Audit Report document how the data are used. The audit trail is maintained in Evidence.com after deletion of video.

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.

Brainerd Police Department solicited for public comment on the purchase, implementation, and proposed policy of a BWC system. Brainerd City Council held a public hearing at their September 5, 2017, 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.

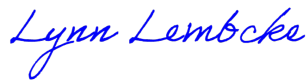
Brainerd Police Department's BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3(b).

No discrepancies noted.

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

Dated: February 12, 2025

Lynn Lembcke Consulting



Lynn Lembcke