

INDEPENDENT AUDIT REPORT

Interim Chief Joseph Dotseth
Metro Transit Police Department
560 Sixth Ave. No.
Minneapolis, MN 55411

Dear Interim Chief Dotseth:

An independent audit of the Metro Transit Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on September 5, 2024. The objective of the audit was to verify Metro Transit 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 Metro Transit Police Department is located in Hennepin County, Minnesota and employs one hundred ten (110) peace officers. The Metro Transit Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the time period August 16, 2022, through August 31, 2024.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

Metro Transit Police Department BWC data is presumptively private. All BWC data collected during the audit period is classified as private or nonpublic data. Metro Transit Police Department had no incidents 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 that the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

Metro Transit Police Department utilizes the Minnesota General Records Retention Schedule for Minnesota Cities and agency specified retention periods in Evidence.com. At the conclusion of a BWC recording, officers assign metadata, 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 report. 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 audit trail reports were compared to the Evidence Created Report and each record was deleted or maintained in accordance with the record retention. All records were retained for at least the minimum ninety (90) days required by statute.

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

The Police Business Systems Manager 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 Metro Transit Police Department Body Worn Camera Video Request Form. During the audit period, Metro Transit 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. A copy of the redacted video is stored in Evidence.com along with the original copy. Sharing of data is documented in a Sharing Audit Report and in an Excel spreadsheet. 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.

Metro Transit Police Department's BWC inventory consists of one hundred seventy-eight (178) devices. An inventory report produced from Evidence.com detailed the number of recording devices owned and maintained by the agency. The inventory report 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.

Metro Transit 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 recorder is in good working order. If the recorder is not in good working order, or the officer becomes aware of a malfunction at any time, they are required to promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable.

Peace officers were trained on the use of BWCs in person and through an online training program during implementation. Newly hired officers are trained as part of their field training program.

Randomly selected dates from the patrol schedule 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 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 and the Evidence Created Report detail the total amount of BWC data created, stored/maintained, and deleted.

Metro Transit 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. Metadata and audit trails are maintained in Evidence.com after deletion of BWC video and audio. BWC data is available to data subjects upon request, and access may be requested by submission of a Metro Transit Police Department Body Worn 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.

Metro Transit 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 Watch Commander.

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.

Lieutenants and sergeants conduct 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 Evidence.com. Roles and permissions are administered by the Police Business Systems Manager. 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. Authorized users may access BWC data pursuant to lawful process and in accordance with policy, statute, and the Minnesota Data Practices Act. 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, up to and including termination.

When BWC data is deleted from Evidence.com, its contents cannot be determined. Metro Transit Police Department has had no security breaches. A BCA CJIS security audit was in process at the time of this audit.

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.

Metro Transit Police Department's BWC policy allows for the sharing of data with other law enforcement and governmental entities pursuant to lawful process and in accordance with policy, statute, and the Minnesota Data Practices Act. Agencies seeking access to BWC data submit a written request. Written requests are maintained in the case file. Sharing of BWC data is captured in the audit trail. The Sharing Audit Report and an Excel spreadsheet provide 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 BWC data were collected and deleted. All BWC data collected during the audit period is classified as private or nonpublic data. The Evidence.com Sharing Audit Report, audit trails, and an Excel spreadsheet document how the data are used. The audit trail is maintained in Evidence.com after deletion of BWC 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 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 Metropolitan Council solicited for public comment by advertising through social media and received eight comments via email. The Metropolitan Council held a public hearing at their January 8, 2020, meeting where no comments were received. The body worn camera system was implemented September 9, 2020.

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.


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

Discrepancy noted.

This report was prepared exclusively for the Metropolitan Council and Metro Transit Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: January 18, 2025

Lynn Lembcke Consulting



Lynn Lembcke