

INDEPENDENT AUDIT REPORT

Chief Thomas Gifferson
Hutchinson Police Department
10 Franklin St. SW
Hutchinson, MN 55350

Dear Chief Gifferson:

An independent audit of the Hutchinson Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on January 16, 2024. The objective of the audit was to verify Hutchinson 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 Hutchinson Police Department is located in McLeod County, Minnesota and employs twenty-four (24) peace officers. The Hutchinson Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the time period September 1, 2021, through December 31, 2023.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Hutchinson Police Department BWC data is presumptively private. All data collected during the audit period is currently classified as private or non-public data. The Hutchinson Police Department had one incident of the discharge of a firearm by a peace officer that was still under investigation. The Hutchinson Police Department had no incidents 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.

The Hutchinson 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 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 of all BWC data collected during the audit period was produced from Evidence.com. 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 schedule. All Records were maintained for at least the minimum ninety (90) days required by statute. Randomly selected records from the Evidence Created Report were verified against audit trail reports, and each record was deleted or maintained in accordance with the record retention.

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

Supervisors and the Administrative Assistant 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 must be redacted.

BWC data is available to data subjects and access may be requested by submission of a Request for Government Data Form. During the audit period, the Hutchinson Police Department received both requests to view BWC video and 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 maintained in Evidence.com along with the original copy. A copy of the request form is maintained in a data request file and the request is documented in the Records Management System dissemination log.

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.

Hutchinson Police Department's BWC inventory consists of thirty-two (32) 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, and officer assigned to the device, date of last upload, device status, error status, and firmware version.

The Hutchinson Police Department's BWC policy governs the use of body-worn cameras by peace officers while in the performance of their duties. The Department's BWC policy requires officers to ensure they are equipped with a BWC and that their BWC is in good working order. If the recorder is not in working order, or the officer becomes aware of a malfunction at any time, they must 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 the portable recording system 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 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 Hutchinson Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention 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 Request for Government Data 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 Hutchinson 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 Shift Sergeant.

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 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. Permissions are based on staff work assignments. Roles and Permissions are administered by a Police Lieutenant.

The agency's BWC and Records Maintenance and Release Policies governs access to BWC data. Agency personnel may access BWC data in accordance with policy and pursuant to the Minnesota Data Practices Act. User access to BWC 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 Hutchinson Police Department has had no security breaches, and a BCA CJIS Security Audit was conducted in July 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 Hutchinson Police Department's BWC and Records Maintenance and Release policies allows for the sharing of data pursuant to lawful process. Agencies requesting 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 the Evidence.com notes and audit trail, as well as the case file and Records Management System dissemination log. An Evidence.com Sharing Audit Report provides documentation of all 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 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 was currently classified as private or nonpublic data. Evidence.com notes and the Evidence.com audit trail document 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.

The Hutchinson Police Department's BWC system was purchased and implemented prior to the requirement of Minn. Statute § 626.8473, Subd. 2. The Hutchinson Police Department held two public hearings prior to the purchase and implementation of the BWCs.

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.

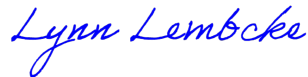
The Hutchinson Police Department's BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy included each of the minimum requirements of Minn. Stat. § 626.8473, Subd. 3 that were effective prior to August 1, 2023, but included only a portion of the requirements that became effective August 1, 2023. The Hutchinson Police Department updated their policy to include the missing requirements prior to the completion of the audit report.

Discrepancy noted.

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

Dated: May 18, 2024

Lynn Lembcke Consulting



Lynn Lembcke