

INDEPENDENT AUDIT REPORT

John Swenson
Public Safety Director
Lino Lakes Police Department
640 Town Center Pkwy.
Lino Lakes, MN 55014

Dear Mr. Swenson:

An independent audit of the Lino Lakes Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted of May 28, 2020. The objective of the audit was to verify Lino Lakes 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 Lino Lakes Police Department is located in Anoka County, Minnesota and employs twenty-seven (27) peace officers. The Lino Lakes Police Department utilizes Panasonic Arbitrator body-worn cameras and software and stores the BWC data on a local file server hosted of Metro-Inet.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

BWC data is presumptively private. All data collected during the time period March 18, 2018, through May 27, 2020, is classified as private or non-public data. The Lino Lakes Police Department had no instances 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 that the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The Lino Lakes Police Department utilizes the City of Lino Lakes Retention Schedule and agency specified retention periods in the Arbitrator 360° Back-End Client software system. Either during, or at the conclusion of a BWC recording, an Arbitrator classification is assigned. Each Arbitrator classification has an associated retention period. Upon reaching the retention date, data is systematically deleted. All BWC data is maintained for at least 90 days.

Randomly selected records from the Arbitrator 360° Back-End Client and a server log report were reviewed, and the date and time the data was created was verified against the deletion date. Each record for the audit period was maintained or deleted in accordance with the record retention. The server log report details all BWC data created, maintained and deleted. BWC video, meta data, and audit trails are purged from the Arbitrator 360° Back-End Client upon reaching the specified retention period.

The Lino Lakes Police Department has not received a request from a data subject to retain BWC data beyond the applicable retention period.

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 and access may be requested by submission of a Request for Information form. During the time period March 18, 2018, through May 27, 2020, the Lino Lakes Police Department has had both requests to view and requests for copies of BWC data from data subjects. Data subjects other than the requestor were redacted using third party redaction software. Request for Information forms are maintained per retention. The assigned Captain is responsible for reviewing data prior to its release.

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.

Lino Lakes Police Department's BWC inventory consists of 25 devices. Devices are assigned to individual officers. An inventory of the total number of devices owned by the agency is maintained in an Excel spreadsheet. The Lino Lakes Police Department BWC policy requires patrol officers to wear BWC's while on duty. Sergeants monitor deployment and use by officers. A review of randomly selected dates from the patrol schedule were verified against a server log report and confirmed that BWCs are being worn and activated.

The Lino Lakes Police Department has established and enforces a BWC policy that governs the use of portable recording systems by peace officers while in the performance of their duties. Peace officers were trained on the use of BWC's during implementation. New officers are trained as part of their field training.

The server log report summarizes the total amount of BWC data created, deleted, and stored/maintained.

The Lino Lakes Police Department utilizes the City of Lino Lakes Records Retention Schedule and agency specified retention in Arbitrator 360° Back-End Client.

BWC video is fully deleted from the Arbitrator 360° Back-End Client and local file server upon reaching the scheduled deletion date.

BWC data is available upon request, and access may be requested by submission of a Request for Information 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 Lino Lakes Police Department's BWC policy states that prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department and that the recorder is in good working order. The 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.

Sergeants conduct quarterly random reviews of BWC data to assess that use is in accordance with policy and that BWC data is properly categorized.

User access to BWC data is managed by the assignment of group roles and permissions in Arbitrator 360° Back-End Client. Permissions are based on staff work assignments. IT is responsible for managing the assignment of user rights. Policy requires personnel to log when BWC data is viewed.

Law enforcement personnel are authorized by the Director of Public Safety to access non-public BWC data so long as the access is for legitimate specified law enforcement purpose and in compliance with policy. The agency's BWC and Records Maintenance and Release policies govern access to, and sharing of, data. Access to BWC data is captured in the audit trail.

Lino Lakes Police Department has had no security breaches.

No discrepancies noted.

Audit Requirement: Sharing Among Agencies

Determine if non public BWC data shared with other law enforcement agencies, government entities, or federal agencies is in accordance with statute.

Law enforcement agencies, government entities, or federal agencies seeking access to BWC data submit requests for the data. Sharing of BWC data with other law enforcement agencies, government entities, or federal agencies is documented in 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.

The Arbitrator 360° Back-End Client and the server log report document the date and time portable recording system data was collected. All BWC data for the audit period is classified as private or non-public data. The audit trail and Excel spreadsheet document how the data are used and shared. The Arbitrator 360° Back-End Client documents the date data is scheduled for deletion, and the server log report documents the date data was destroyed.

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.

Lino Lakes Police Department BWC data is stored on a file server hosted by Metro-Inet. A CJIS security audit was in process at the time of this audit.

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 Lino Lakes Police Department solicited public comment prior to purchase and implementation of the body worn camera program. Public comment was solicited on the department's Facebook page on November 29, 2017. The Lino Lakes City Council held a public hearing at their December 11, 2017, meeting. The body worn camera program was implemented March 18, 2018.

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 Lino Lakes Police Department BWC policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy is not posted on the agency's website.

Discrepancy noted.

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

Dated: August 23, 2020

Lynn Lembcke Consulting



Lynn Lembcke