

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 21, 2022. 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 seventy-two (72) 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 September 4, 2019, through December 31, 2021.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

Blaine Police Department BWC data is presumptively private. A report produced from Evidence.com for all BWC data collected during the time period September 4, 2019, through December 31, 2021, was created. The Blaine Police Department had one instance of BWC data classified as public data resulting from the discharge of a firearm by a peace officer. The Blaine Police department had no instances of the 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 Blaine 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.

Randomly selected records from an Evidence.com 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 verified against audit trail reports, and one record was deleted prior to the scheduled retention. All other records were maintained in accordance with the record retention. Records selected were from the time period September 4, 2019, through December 31, 2021. Blaine Police Department 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.

Discrepancy 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. During the time period September 4, 2019, through December 31, 2021, the Blaine Police Department had received no requests to view BWC data but did receive requests for copies of BWC data from data subjects. Data subjects other than the requestor were redacted. A copy of the redacted video is stored in Evidence.com along with the original copy. The Administrative Services Sergeant or the Records Supervisor reviews data prior to its release. Copies of 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 seventy-five (75) 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 and his/her rank and badge ID, date of last upload, device status, error status, and date of last firmware update.

The Blaine 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. The BWC policy requires officers to conduct a function test of their BWC at the beginning of their shift and to immediately report any malfunction to a supervisor. Peace officers are trained on the use of portable recording systems during the new officer academy.

Meta data applied to function tests provides a daily record of the total number of BWC devices deployed. A review of randomly selected dates from the patrol schedule were verified against the Evidence.com 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.

The Evidence Created Report details the total amount of BWC data created, stored/maintained, and deleted. The Blaine Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in Evidence.com. BWC data 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.

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 may use only department-issued BWC's in the performance of official duties for the agency or when otherwise performing authorized law enforcement services as an employee of the department.

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 usage by officers. Random reviews are documented in Evidence.com and captured in the audit trail.

User access to BWC data is managed by the assignment of roles and permissions in Evidence.com. Permissions are based on staff work assignments. The Administrative Services Sergeant and the Evidence Technician are 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 and sharing of data. The BWC policy requires department members to document the reason for reviewing BWC video in Evidence.com. Access documentation is captured in the audit trail.

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 2019.

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 policy allows for the sharing of data with other law enforcement agencies with the approval of the Chief Law Enforcement Officer or his/her designee. The policy allows for the sharing of data with prosecutors and courts within the criminal justice system. Agencies seeking access to BWC data submit a written request. Secure electronic sharing of data within Evidence.com is captured in the audit trail. An Evidence.com Sharing Audit Report provides 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.com Evidence Created Report document the date and time portable recording system data were collected and deleted per retention. The Blaine Police

Department had one instance of BWC data classified as public data, and all other BWC data collected during the audit period, is classified as private or non-public data. The Evidence.com Sharing Audit Report and the Post Notes field within Evidence.com document how the data are used. The audit trail is maintained in Evidence.com after deletion of data. 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. Axon appears on the BCA Vendor Screening Program list of approved and screened vendors and is vetted in accordance with the security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services Division Security Policy.

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 minimum requirements of Minn. Stat. § 626.8473, Subd. 3. The BWC policy is posted on the agency's website.

No discrepancies 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: March 8, 2022

Lynn Lembcke Consulting



Lynn Lembcke