

## INDEPENDENT AUDIT REPORT

Chief Brett Empey  
Jordan Police Department  
705 Syndicate St.  
Jordan, MN 55352

Dear Chief Empey:

An independent audit of the Jordan Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on June 15, 2022. The objective of the audit was to verify Jordan Police Department's compliance with Minnesota Statutes §§13.825 and 626.8473. The audit covers the time period July 1, 2020, through June 10, 2022.

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 Jordan Police Department is located in Scott County, Minnesota and employs ten (10) peace officers. The Jordan Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage.

### **Audit Requirement: Data Classification**

*Determine that the data collected by BWCs are appropriately classified.*

Jordan Police Department BWC data is presumptively private. All data collected during the audit period is classified as private or nonpublic data. The Jordan 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.*

The Jordan 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 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 records from the Evidence Created Report were compared to audit trail reports, and each record was deleted or maintained in accordance with the record retention. All records were maintained for at least the 90 days required by statute.

The Jordan Police Department has 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.

*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 and access may be requested by submission of a Jordan Police Department Report Request Form. During the time period July 1, 2020, through June 10, 2022, the Jordan Police Department had received neither requests to view, nor requests for copies of, BWC data.

*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.*

Jordan Police Department's BWC inventory consists of twelve (12) devices. An inventory search in Evidence.com on June 15, 2022, detailed the number of recording devices owned and maintained by the agency. The inventory included the device model, serial number, device name, the officer assigned to the device, date of last upload, device status, error status, firmware version, and warranty date.

A review of randomly selected dates from the patrol schedule were verified against the Evidence.com Evidence Created Report and confirmed that 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 Jordan Police Department's BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The Department's BWC policy requires officers to ensure the BWC is in good working order and to promptly report any malfunction to their supervisor.

New officers are trained on the use of portable recording systems as part of their field training program.

The Evidence.com System Usage Dashboard and Evidence.com queries detail the total amount of BWC data created, stored/maintained, and deleted.

The Jordan 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 Jordan Police Department 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 Jordan 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 Senior

Officer/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 reviews of BWC videos to ensure BWCs are being accurately categorized and utilized in compliance with policy.

User access to BWC data is managed by the assignment of roles and permissions in Evidence.com. Roles and Permissions are administered by the Chief of Police, and permissions are based on staff work assignments. The agency's BWC policy and Records Maintenance and Release policy govern the use, access, and release of protected BWC data. Access to BWC data is captured in the audit trail.

When BWC data is deleted from Evidence.com, its contents cannot be determined. Jordan Police Department has had no security breaches, and a BCA CJIS Security Audit was conducted in 2020.

*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 Jordan Police Department's BWC policy allows for the sharing of nonpublic BWC data with other governmental entities and agencies. Agencies seeking access to BWC data submit a written request. Sharing of data is documented in the Records Management System dissemination log.

*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. All BWC data collected from the time period July 1, 2020, through June 10, 2022, is classified as private or nonpublic data. The Records Management System dissemination log 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. 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 Jordan Police Department's BWC system was purchased and implemented in 2013 prior to the requirement of Minn. Statute § 626.8473, Subd. 2.

*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 Jordan 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 Jordan and Jordan Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: June 30, 2022

Lynn Lembcke Consulting



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Lynn Lembcke