INDEPENDENT AUDIT REPORT

Chief Jeff Tate
Shakopee Police Department
475 Gorman Street
Shakopee, MN 55379

Dear Chief Tate:

An independent audit of the Shakopee Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on March 14, 2024. The objective of the audit was to verify Shakopee 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 Shakopee Police Department is located in Scott County, Minnesota and employs fifty-two (52) peace officers. During the audit period, the Shakopee Police Department utilized Getac body-worn cameras and Enterprise Evidence Management cloud-based storage and Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the time period March 16, 2022, through February 29, 2024.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Shakopee Police Department BWC data is presumptively private. All data collected during the audit period is classified as private or nonpublic data. The Shakopee 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 BWCs are appropriately retained and destroyed in accordance with statutes.

The Shakopee Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in Getac and Evidence.com. At the conclusion of a BWC recording, officers assign meta data, including a Getac or Evidence.com category, to the recording. Each Getac and 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 trails.

Assets Acquired Log Reports were produced from Getac Enterprise Management and an Evidence Created Report was produced from Evidence.com for all BWC data collected and deleted during the audit period. Randomly selected records from the Assets Acquired Log Reports and the Evidence Created Report were reviewed, and the date and time the data was created was verified against the deletion/expiration date. Each of the records were deleted or maintained in accordance with the record retention schedule. Randomly selected records from the Assets Acquired Log Reports and Evidence Created Report were verified against audit trail reports, and each record was deleted or maintained in accordance with the record retention.

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

A Police Sergeant monitors 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 are redacted.

BWC data is available to data subjects and access may be requested by submission of a BWC Data Request Form. During the audit period, the Shakopee Police Department had received no requests to view BWC video 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. Access to data is documented in the Records Management System dissemination log. BWC data request forms are maintained in the Records Management System 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.

Shakopee Police Department's BWC inventory consists of fifty-three (53) devices. An inventory report produced from Evidence.com detailed the total 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.

The Shakopee 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 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 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 BWC's during a Minnesota Peace Officers Standards and Training (POST) certified training course. New 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 Assets Acquired Log Reports and 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.

The Assets Acquired Log Reports, Evidence.com queries, and the Evidence Created Report detail the total amount of BWC data created, stored/maintained, and deleted.

The Shakopee 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 Getac Enterprise Evidence Management system and Evidence.com upon reaching its scheduled deletion/expiration date. Meta data and audit trails are maintained in Getac Enterprise Evidence Management and Evidence.com after deletion/expiration of BWC audio and video. BWC data is available upon request, and access may be requested by submission of a BWC 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 Shakopee 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 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.

Sergeants conduct quarterly reviews of BWC data to ensure BWC data is being accurately classified 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 Getac Evidence Management and Evidence.com. Permissions are based on staff work assignments. Roles and Permissions are administered by a Sergeant. Access to Getac Evidence Management is password protected, access to Evidence.com is password protected and requires dual authentication.

The agency's BWC Policy governs access to BWC data. Shakopee Police Department personnel are prohibited from accessing BWC data except for legitimate law enforcement or data administration purposes. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law-enforcement-related purposes. User 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.

When BWC data is deleted from Getac and Evidence.com, its contents cannot be determined. The Shakopee Police Department has had no security breaches. A BCA CJIS Security audit was conducted in April of 2022.

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 Shakopee Police Department's BWC policy allows for the sharing of data with other law enforcement agencies, prosecutors, courts and other criminal justice entities pursuant to lawful process and in compliance with the Minnesota Data Practices Act and the Records Maintenance and Release policy. Agencies seeking access to BWC data submit a written request. BWC data

shared by secure link is captured in the Getac and Evidence.com audit trails. Sharing of BWC data is documented in the Records Management System dissemination log and the Evidence.com Sharing Audit Report.

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.

Getac Enterprise Evidence Management and the Assets Acquired Log Reports and Evidence.com 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 is classified as private or nonpublic data. The Getac and Evidence.com audit trails and the Records Management System dissemination log document how BWC data are used. Audit trails are maintained in Getac Enterprise Evidence Management and Evidence.com after deletion of video.

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.

A Statement of CJIS Compliance dated March 7, 2019, validated Getac Video Solutions full compliance with appropriate controls to protect criminal justice information from creation through dissemination, whether at rest or in transit. The assessment of Getac Video Solutions was conducted by Flat Iron Technologies, LLC. Flat Iron Technologies, LLC is registered with the federal government as a provider of information security compliance.

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 City of Shakopee solicited for public comment on its website and during a City Council Workshop held on April 11, 2017. The Shakopee City Council approved the purchase of BWC's during their March 6, 2018, meeting. The body worn camera system was implemented April 1, 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 Shakopee 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 Shakopee and Shakopee Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: May 2, 2024

Lynn Lembcke Consulting

Lynn Lembcke

Lynn Lembcke