

INDEPENDENT AUDIT REPORT

Todd Schwieger
Chief of Police
St. Francis Police Department
4058 St. Francis Blvd. NW
St. Francis, MN 55070

Dear Chief Schwieger:

An independent audit of the St. Francis Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on December 15, 2023. The objective of the audit was to verify St. Francis 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
- Portable Recording System Policy

The St. Francis Police Department is located in Anoka County and employs twelve (12) peace officers. The St. Francis Police Department utilizes Panasonic Arbitrator body-worn cameras and Arbitrator 360° Back-End Client. BWC data is stored on a local file server hosted by Metro-INET. The audit covers the time period December 1, 2021 to November 30, 2023.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

St. Francis Police Department BWC data is presumptively private. All BWC data collected during the audit period is classified as private or non-public data. The St. Francis 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 if the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The St. Francis Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in the Arbitrator 360° Back-End Client. 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.

A server log report of all data created and deleted during the audit period was provided. Randomly selected records from the server log 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. All records were maintained for at least the minimum ninety (90) days required by statute.

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

The Chief of Police and Sergeants monitor categorization of BWC data to ensure 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 an St. Francis Police Department Data Request Form. During the audit period, the St. Francis Police Department had received both requests to view BWC data and requests for copies of BWC data from data subjects. Data subjects who had not consented to release of the data were redacted. Access to data is documented in an Excel spreadsheet and data request forms are maintained in a 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.

St. Francis Police Department's BWC inventory consists of fifteen (15) devices. An inventory of the total number of devices owned by the agency is maintained in a Microsoft Word document. BWCs are assigned to officers.

The St. Francis Police Department BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The BWC policy requires officers to ensure the BWC is in good working order. Peace officers noting a malfunction during testing, or at any other time, are required to promptly report the malfunction to their supervisor and obtain a functioning device as soon as reasonably practicable.

Peace officers were initially trained on the use of BWC's by Panasonic Arbitrator. New officers are trained as part of their field training program.

Officers working on randomly selected dates from the patrol schedule, and randomly selected calls for service, were compared to the server log report and confirmed that BWCs are being deployed and activated by officers. A review of the total number of BWC videos created per quarter in comparison to calls for service shows an increase in the collection of BWC data.

The total amount of active BWC data is accessible in Arbitrator 360°. The server log report details the total amount of BWC data created, deleted, and stored/maintained. The St. Francis Police Department utilizes the General Records Retention Schedule for Minnesota cities and agency specified retention in Arbitrator 360°. BWC video is fully deleted from the Arbitrator 360° Back-End Client and local file server upon reaching the scheduled deletion date. Meta data information is maintained on the server. BWC data is available upon request, and access may be requested by submission of a St. Francis Police Department 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 St. Francis Police Department's BWC policy states that members are prohibited from using personally owned recording devices while on-duty without the express consent of a supervisor. An officer who uses a personally owned recorder for department-related activities must comply with the provisions of the BWC policy.

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.

The Chief of Police and Sergeants conduct monthly random reviews of BWC data to ensure proper categorization 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 group roles and permissions in Arbitrator 360° Back-End Client. Permissions are based on staff work assignments. Metro-INET, the St. Francis Police Departments information technology service provider, under the direction of the police department, is responsible for managing the assignment of user rights. Access to Arbitrator 360° Back-End Client is password protected.

The agency's BWC policy governs access to BWC data. Agency personnel may access BWC data only when there is a business need for doing so and are prohibited from accessing BWC data for non-business reasons. User access to data is captured in the audit trail. The BWC policy states that unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. § 13.09.

When BWC video is deleted from Arbitrator 360° Back-End Client, its contents cannot be determined. The St. Francis Police Department has had no security breaches. A BCA CJIS security audit was last conducted in August of 2022.

No discrepancies noted.

Audit Requirement: Sharing Among Agencies

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

The St. Francis Police Department's BWC and Records Maintenance and Release policies allow for the sharing of BWC data with other law enforcement agencies, prosecutors, courts, and other criminal justice entities as provided by law. Agencies seeking access to BWC data submit a written request. Sharing of BWC data is documented in an Excel spreadsheet and requests forms are maintained in a file.

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 documents the date and time data was collected, and the database server log report documents the date and time BWC data was collected and deleted. All BWC data for the audit period is classified as private or non-public data. The audit trail and an Excel spreadsheet document how the data are used and shared.

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.

St. Francis Police Department BWC data is stored on a file server hosted by Metro-INET. The server is stored in a secure location and access is password protected and requires dual authentication.

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 St. Francis Police Department solicited for public comment by online survey on the City's website. The St. Francis City Council held a public hearing at their October 4, 2021, meeting. The BWC program was implemented December 1, 2021.

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

Dated: March 11, 2024

Lynn Lembcke Consulting

Lynn Lembcke

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