

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: January 23, 2023
Item No.: 10.e

Department Approval



City Manager Approval



Item Description: Accept 2022 Body Worn Camera Audit Report

BACKGROUND

In November 2017, the Roseville Police Department (RPD) was awarded a grant from the United States Bureau of Justice Assistance to implement Body Worn Cameras (BWC) for all police personnel. In October 2018, the Roseville Police Department implemented the use of BWCs department-wide. Minnesota law requires law enforcement agencies with BWCs must arrange for an independent biennial audit to ensure compliance with applicable laws (Minn. Stat. 13.825, subd. 9a). The law also requires the results of the audit must be provided to the City Council and to the Legislative Commission on Data Practices and Personal Data Privacy (Minn. Stat. 13.825, subd. 9c).

The Roseville Police Department hired the independent firm of Lynn Lembcke Consulting to conduct an audit of our BWC program. The complete report is attached for review. Lynn Lembcke Consulting also conducted RPD's BWC program audit in 2020. Once again, the Roseville Police Department was found to be fully compliant with all audit requirements. Staff will send this report to the Legislative Commission on Data Practices and Personal Data Privacy, as required by law.

POLICY OBJECTIVE

In order to ensure compliance with state laws and align with Roseville Police Department's commitment to establishing a culture of transparency and accountability, an independent audit of RPD's body worn cameras was completed and results provided to the City Council.

BUDGET IMPLICATIONS

Biennial Body Worn Camera program audits are budgeted as an on-going police operating cost (approximately \$2250).

RACIAL EQUITY IMPACT SUMMARY

The Roseville Police Department is committed to establishing a culture of transparency and accountability to build public trust and legitimacy. The Body Camera Audit helps ensure compliance with applicable laws and that the cameras are being used fairly and consistently across all police contacts, including with historically disadvantaged groups.

STAFF RECOMMENDATION

The police department is recommending acceptance of the 2022 Body Worn Camera Audit Report.

REQUESTED COUNCIL ACTION

Accept the 2022 Body Worn Camera Audit Report prepared by Lynn Lembcke Consulting.

31 Prepared by: Erika Scheider, Chief of Police
32 Attachment: A: 2022 Body Worn Camera Audit Report
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INDEPENDENT AUDIT REPORT

Erika Scheider
Chief of Police
Roseville Police Department
2660 Civic Center Dr.
Roseville, MN 55113

Dear Chief Scheider:

An independent audit of the Roseville Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on October 27, 2022. The objective of the audit was to verify Roseville 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 Roseville Police Department is located in Ramsey County, Minnesota and employs fifty-seven (57) peace officers. BWC data was collected using Panasonic Arbitrator and Axon BWCs during the audit period. Arbitrator BWC data is stored on a local file server and Axon BWC data is stored in Evidence.com cloud storage. This audit covers the time period August 1, 2020, through September 30, 2022.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

BWC data is presumptively private. During the audit period, the Roseville Police Department had BWC with both public and private or non-public data classifications. Public data resulted from an instance of the discharge of a firearm by a peace officer. The Roseville Police Department had no instances of 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 Roseville Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in the Arbitrator 360° Back-End Client and Evidence.com. Either during, or at the conclusion of a BWC recording, a classification/category is assigned. Each classification/category has an associated retention period. Upon reaching the retention date, data is systematically deleted.

A server log report for data collected by Arbitrator BWCs and an Evidence Created Report for data collected by Axon BWCs were provided. Randomly selected records from the reports were reviewed and the date and time the data was created was verified against the deletion date. Each of the randomly selected records were deleted in accordance with the record retention and maintained for at least the minimum ninety (90) days required by statute. Records selected were from the time period August 1, 2020, through September 30, 2022.

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

Supervisors monitor the proper 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 a Roseville Police Department Request for Information form. During the time period August 1, 2020, through September 30, 2022, the Roseville Police Department had received both requests to view and requests for copies of BWC data from data subjects. Data subjects who had not consented to the release of data were redacted. Copies of redacted Arbitrator video are maintained in a Property/Evidence folder on the network. Copies of redacted Axon video are stored in Evidence.com along with the original copy. Data subject access to BWC data is documented in the Records Management System dissemination log. Request for Information forms are maintained in a data request 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.

Roseville Police Department's BWC inventory consists of sixty-six (66) devices. An inventory report produced from Evidence.com detailed the number of recording devices owned and maintained by the agency. The inventory included the model, serial number, name, officer assigned, date of last upload, device status, error status, firmware version, and warranty date.

The Roseville Police Department BWC policy governs the use of portable recording systems by peace officers. Officers are responsible making sure they are equipped with a BWC and ensuring their BWC is in good working order. Officers noting a malfunction at any time must promptly report malfunctions to their supervisor and obtain a functioning device as soon as reasonably practicable.

Peace officers were trained on the use of Arbitrator BWCs during a POST approved training course during implementation. Officers were trained on the use of Axon BWCs during roll calls by Axon-trained trainers. New officers are trained as part of their field training program.

Sergeants monitor deployment and use of BWCs by officers. A review of randomly selected dates from the patrol schedule were compared to the Arbitrator server log report and the Axon Evidence Created Report and confirmed that BWCs are being deployed and officers are wearing and activating the 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 Arbitrator 360° Back-End Client and the server log report detail the total amount of Arbitrator BWC data created, deleted, and stored/maintained. Evidence.com queries detail the total amount of Axon BWC data created, deleted, and stored/maintained. BWC video is fully deleted from the Arbitrator 360° Back-End Client, the local file server, and Evidence.com upon reaching the scheduled deletion date. The Arbitrator server log report maintains deleted BWC meta data. Meta data and audit trails are maintained in Evidence.com after deletion of BWC video.

BWC data is available to data subjects 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 Roseville 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 Patrol 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.

Supervisors conduct quarterly random reviews of BWC data to ensure BWC data is accurately categorized and that BWCs are being utilized in compliance with policy.

Nonpublic data is only available to persons whose work assignment reasonably requires access to data. User access to BWC data is managed by the assignment of roles and permissions in Arbitrator 360° Back-End Client and Evidence.com. Permissions are based on staff work assignments. IT, under direction of the Police Department, was responsible for managing the assignment of user rights in Arbitrator. The Investigative Analyst is responsible for managing the assignment of user rights in Evidence.com.

The BWC Policy governs access to BWC data. Department members are authorized to access BWC data for legitimate law enforcement or data administration purposes. Arbitrator access is logged in an Excel spreadsheet and/or the case file in the Records Management System. Evidence.com access is captured in the audit trail.

When BWC data is deleted from Arbitrator 360° Back-End Client and Evidence.com, its contents cannot be determined. The Roseville Police Department has had no security breaches. A BCA CJIS security audit was in process at the time of this audit.

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 Roseville Police Department's BWC policy allows for the sharing of data with other law enforcement agencies for legitimate law enforcement purposes only and for the sharing of data with prosecutors, courts and other criminal justice entities as provided by law. Agencies seeking access to BWC data submit a written request. Written requests are maintained in a data request file. Sharing of Arbitrator BWC data is documented in an Excel spreadsheet and the Records Management System dissemination log. Sharing of Axon BWC data is shared via secure electronic sharing within Evidence.com. Sharing is captured in the audit trail. An Evidence.com Sharing Audit report provide documentation of shared Axon BWC 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.

The Arbitrator 360° Back-End Client and the server log report document the date and time Arbitrator BWC data was collected. The server log report documents the date and time Arbitrator BWC data was deleted. Evidence.com and the Evidence Created Report document the date and time Axon BWC data was collected and deleted. BWC data collected during the audit period includes both public and private or nonpublic data classifications.

Audit trails, an Excel spreadsheet, the Evidence.com Sharing Audit Report, and the Records Management System dissemination log 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.

Roseville Police Department Arbitrator 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.

Axon BWC data is stored in the cloud. 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 Roseville Police Department solicited public comment prior to purchase and implementation of the Panasonic Arbitrator BWC program. Public comment was solicited by online survey. The Roseville City Council held a public hearing at their November 27, 2017, meeting.

The Roseville City Council held a public hearing at their December 6, 2021, meeting prior to the purchase and implementation of the Axon body worn cameras.

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.

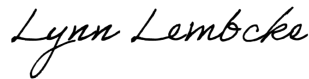
The Roseville Police Department's BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3.

No discrepancies noted.

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

Dated: December 20, 2022

Lynn Lembcke Consulting



Lynn Lembcke