

# INDEPENDENT AUDIT REPODRT

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 of January 30, 2020. 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 (50) peace officers. The Shakopee Police Department utilizes Getac body-worn cameras and Enterprise Evidence Management cloud-based storage.

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

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

Shakopee Police Department BWC data is presumptively private. For the time period April 1, 2018, through January 30, 2020, the Shakopee Police Department had one instance of BWC data with a public data classification. The public data documents the discharge of a firearm by a peace officer. All other data for the time period is classified as private data. The Shakopee 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 that the data collected by BWC's 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. At the conclusion of a BWC recording, officers assign meta data, including a Getac category, to the recording. Each Getac category has an associated retention period. Upon reaching its retention date, data is systematically deleted. Deletion of the data is captured in the audit trail history.

Randomly selected records from a Getac File Upload Log were reviewed, and the date and time the data was created was verified against the deletion date. Each of the selected records were deleted or maintained in accordance with record retention. Records selected were from the time period April 1, 2018, through January 30, 2020. The Shakopee Police Department has not received a request from a data subject to retain BWC data beyond the applicable retention period.

Police Sergeants monitor officer use and categorization of BWC data to ensure data is being captured as required by policy and to ensure data are appropriately retained and destroyed.

No discrepancies 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 and access may be requested by submission of a data request form. During the time period April 1, 2018, through January 30, 2020, the Shakopee Police Department received no requests to view BWC data but did fulfill requests for copies of BWC video from data subjects. Data subjects other than the requestor were redacted. A copy of the redacted video is stored in Getac Enterprise Evidence Management along with the original copy. Data request forms are maintained in the Records Management System case file. The Records Supervisor or the Administrative Captain is responsible for reviewing all data prior to its release.

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 50 devices. An inventory of the total number of devices owned by the agency is maintained within Getac Enterprise Evidence Management and on an Excel spreadsheet. The inventory includes the device serial number and the officer assigned to the device.

A report documenting the total hours of BWC video collected per day shows a consistent use of BWC's. A review of randomly selected dates from the patrol schedule were verified against the data in the Getac Enterprise Evidence Management system and confirmed that officers are wearing and activating their BWCs.

The Shakopee 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. 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.

A Getac Assets captured dashboard and File Upload Log 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 Getac.

BWC data is fully deleted from Getac Enterprise Evidence Management system upon reaching its scheduled deletion date. Meta data and audit trails are maintained in Getac Enterprise Evidence Management after deletion of BWC audio and video.

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 Shakopee Police Department's BWC policy states that officers may use only department issued BWCs in the performance of official duties.

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, on a monthly basis, review meta data assigned to BWC data to ensure accuracy.

User access to BWC data is managed by the assignment of roles and permissions in Getac Evidence Management. Permissions are based on staff work assignments, and not public data is only accessible to staff whose work assignment reasonably requires access. The agency's BWC policy governs access to and sharing of data. Shakopee Police Department personnel are prohibited from accessing or sharing BWC data except for legitimate law enforcement purposes. Access to BWC data is captured in the audit trail.

When BWC data is deleted from Getac, its contents cannot be determined. The Shakopee Police Department has had no security breaches.

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 for legitimate law enforcement purposes only and for the sharing of data with prosecutors, courts and other criminal justice entities as provided by law. BWC data shared by secure link is captured in the Getac Evidence Management audit trail. Sharing of BWC data is documented in the Records Management System.

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 File Upload Log Report document the date and time portable recording system data were collected and deleted. Classification of BWC data collected from the time period April 1, 2018, through January 30, 2020, includes both public and private or non-public data. Use of BWC data is documented in the Getac Evidence Management audit trail history and the Records Management System. The audit trail history documents each and every action taken from creation of the recording to its deletion. The audit trail history is maintained in Getac after deletion of data.

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.

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: March 21, 2020

Lynn Lembcke Consulting



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Lynn Lembcke