

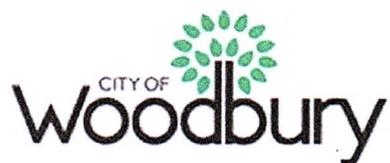


Woodbury Public Safety Department 2019 Body-Worn Camera (BWC) Audit

Executive Summary Report

Prepared for City of Woodbury

December 28, 2019





Background:

Woodbury Public Safety Department retained InfoSec Associates in order to audit its agency's use of its Body-Worn Camera (BWC, see Definitions Section below) program against the requirements of Minn. Stat. § 13.825 and Minn. Stat. § 626.8473. InfoSec Associates does not operate or have access to their BWC systems, therefore allowing it to audit the systems as an independent auditor. The City of Woodbury Public Safety Department Support Services Division provided their administrative access to the WatchGuard system during the audit in order to review audit criteria. Interviews and auditing of the WatchGuard system was conducted with the Woodbury Public Safety Department Support Services Division.

Definitions:

For the purposes of this audit and report, the use of the term Body-Worn Camera (BWC) systems shall be the same as the State Statute definition of "Portable Recording Systems," as defined by Minn. Stat. § 13.825, Subd. 1 (b) as follows:

"portable recording system" means a device worn by a peace officer that is capable of both video and audio recording of the officer's activities and interactions with others or collecting digital multimedia evidence as part of an investigation;

"portable recording system data" means audio or video data collected by a portable recording system; and

"redact" means to blur video or distort audio so that the identity of the subject in a recording is obscured sufficiently to render the subject unidentifiable.

Audit Period and Scope:

The Audit Period covered by this report covers the period 3/1/18 to 11/31/19.

Woodbury Public Safety uses the on premise WatchGuard video system for its BWC program. Although their WatchGuard system records both in-squad video as well as BWC videos, the scope of the audit focused only on BWC video data. In addition, since June of 2019, certain downloaded BWC videos were also shared with prosecuting attorneys, as a form of evidence sharing, using the Axon's Evidence.com service, which includes file storage and sharing software in the cloud. This audit examined Axon's Evidence.com's adherence to Minn. Stat. § 13.825, Subd. 11 (b) which addresses the CJIS requirements for storing BWC data in the cloud. However for all other purposes, the WatchGuard systems was treated as their only primary source of all BWC data and was the focus of this audit. All WatchGuard BWC data video had date and time stamps of when the data was collected.



Required Public Hearing:

Pursuant to Minn. Stat. § 626.8473, Subd. 2, Woodbury Public Safety allowed for public comment in regard to its new BWC Program at the Woodbury City Council Workshop held on January 18, 2017. Board Minutes of this Woodbury City Council Workshop was provided to us and reviewed during the audit.

Woodbury was compliant with this aspect of the Statute, Minn. Stat. § 626.8473, Subd. 2.

Department BWC Policy:

Woodbury Public Safety Department has a BWC Policy in place entitled, "Policy 422: Portable Audio/Video Recorders." Their Policy was reviewed to ensure that it contained the required elements as outlined in Minn. Stat. § 626.8473, Subd. 3.

Two Policy items were noted in the audit:

1. Minn. Stat. § 626.8473, Subd. 3 (7) requires that the Woodbury BWC policy include a section outlining "procedures for the secure storage of portable recording system data and the creation of backup copies of the data." We recommend adding these procedure details to you Policy 422: Portable Audio/Video Recorders; and
2. Minn. Stat. § 13.825, Subd. 6 states that "while on duty, a peace officer may only use a portable recording system issued and maintained by the officer's agency in documenting the officer's activities." This may conflict with the Statute (see report section below titled **Use of Agency-Issued BWC** for detailed analysis).

Woodbury Public Safety Department posts a publicly available copy of this policy on its public website, making it compliant with Minn. Stat. § 626.8473, Subd. 3.

Officer use of BWC Equipment:

Woodbury Public Safety "Policy 422: Portable Audio/Video Recorders" requires that Officers wear their BWC equipment and activate it during specific instances.

Random samples of officers' patrol duty schedules were taken and compared against their dispatch Calls for Service, as well as the WatchGuard video library to determine if they had been recording videos during those calls in accordance to their policy. In all cases, the patrol officers appeared to be using their BWC appropriately and activating recordings as outlined in the policy section entitled, "422.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER."



Data Classification and Retention:

Woodbury Public Safety treats BWC data as private unless it is permitted to be release in accordance to the provisions of Stat. § 13.825, Subd. 2.

Woodbury Public Safety processes BWC data requests via its online request system called, “Citizen Service Request System.” Citizens can also make a request the front desk of the police lobby, using the paper “Records Request” form.

At the time of the audit, no Court mandated BWC data disclosures had been made.

Woodbury Public Safety setup its data classification and retention schedule for BWC videos in the administrative settings of the WatchGuard console. BWC data is retained for a minimum of 90 Days, as required by Minn. Stat. §13.825, Subd. 3 (a).

When the BWC data involves the use of force, discharge of a firearm by a peace officer, or when the event triggers a formal complaint against the peace officer, the BWC data is retained for a minimum of 1 year in accordance to Minn. Stat. §13.825, Subd. 3 (b). At the time of the audit, Woodbury Public Safety has set that Retention Period to 7 years under their classification category, Response to Resistance, and for a minimum of 1 year in response to a formal complaint against an officer, under their classification of “Investigation.”

In addition, all BWC footage related to the discharge of a firearm by a peace officer in the course of duty as defined by Minn. Stat. § 626.8473, Subd. 2 (1), was reviewed during the audit, due to the sensitive nature of these events. In all cases, the classification of the BWC data was set to Classification of Response to Resistance (7 Year retention) or to Death (indefinite retention). Additional care was given to reviewing the audit logs to ensure that this BWC data was only viewed by those permitted and that if downloaded, it was for the purposes of BCA review.

In addition, on specific type of calls, the Woodbury Public Safety Support Services staff in charge of the BWC program also reviews related BWC videos to ensure that all related videos have the same classification. Any modifications to the classification are auditable in the WatchGuard audit trail. Sampled BWC data was examined for modifications to the classification tags. In cases where the Support Services Division made changes to the classification, they were done to make the classification consistent to the remaining BWC videos related to the same case. The WatchGuard audit trail indicated who and when the re-classification was made.

BWC data was sampled and audited across the audit period, and more intensely in the periods of November 2019. Calls for Service that had BWC data associated to it, and which had expired retention periods, showed that the BWC data had been deleted from the WatchGuard System.

Woodbury Public Safety was compliant with its Classification and Retention requirements based on Statute, Minn. Stat. § 626.8473, Subd. 2. And Subd. 3.



Access by Data Subjects:

Woodbury Public Safety processes BWC data requests via its online request system called, "Citizen Service Request System." Citizens can also make a request through the front desk of the police lobby, using the paper "Records Request" form.

Woodbury Public Safety Support Services stated they heavily redact BWC data when released to Data Subjects. They stated that they had processed approximately 20 records requests during the audit period.

Use of Agency-Issued BWC:

Minn. Stat. § 13.825, Subd. 6 states that:

"While on duty, a peace officer may only use a portable recording system issued and maintained by the officer's agency in documenting the officer's activities."

Woodbury Public Safety Policy 422.9 allows personal recording devices to be used with a Sergeant Approval:

"Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Sergeant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements and should notify the on-duty supervisor of such use as soon as reasonably practicable."

Woodbury Public Safety indicated that officers use their department issued BWC equipment, and only use a personal device, with a Sergeant's approval, if there is a problem with the primary department issues BWC equipment.

This permitted language in their policy appears to conflict with the Statute and should be reviewed and taken under advisement.

Authorization to Access Data:

Woodbury Public Safety allows its officers to review their own BWC data. Access is enforced through the use of user accounts and roles/rights in the WatchGuard system.

BWC data was sampled and audited across the audit period, and more intensely in the period of November 2019. Results of sampling the BWC data, and its related audit trail in the WatchGuard system, showed that it was either not viewed at all, viewed by the officer who recorded the data, or by a police supervisor. In ten samples, BWC video metadata was reviewed by a member of the Support Services team that operates the WatchGuard system, and minor changes were made to adjust the correct case number and classification. In these tens samples, the Support Services team did not view the actual video. In one sample, BWC data video was viewed by a member of the Support Services team that



operates the WatchGuard system in order to make an adjustment the correct case number and classification.

All views and access were consistent with Woodbury Public Safety "Policy 422: Portable Audio/Video Recorders" and Minn. Stat. § 13.825 Subd. 7, as authorized by the Chief of Police.

Sharing Among Agencies:

Woodbury Public Safety treats BWC data as private and may only share BWC data with other agencies when permitted by Minn. Stat. § 13.825, Subd. 8 and Subd. 7.

Woodbury Public Safety processes BWC data requests by other Agencies via its online request system called "Citizen Service Request System." The request form requires that they provide a legitimate, specified law enforcement purpose, as required by Minn. Stat. § 13.825, Subd. 7.

Woodbury Public Safety was compliant with this aspect of the Statute.

Biennial Audits:

Woodbury Public Safety has acknowledged that it intends to complete a biennial audit of its BWC System, as required by Minn. Stat. § 13.825, Subd. 9.

BWC System Vendors:

At the time of the audit, WatchGuard was the primary vendor and system for their BWC program. BWC videos were recorded, classified and stored in the on-premises WatchGuard system. However, certain videos were then shared with the local county attorneys using the Evidence.com system, which requires uploading a previously recorded WatchGuard video into the Evidence.com cloud based solution. Because Evidence.com is a cloud based solution, it is subject to the requirements of Minn. Stat. § 13.825, Subd. 11 (b), which requires Axon to follow the requirements of the FBI's CJIS Policy 5.x and subsequent versions. Axon has a published a CJIS White paper outlining its responsibilities for CJIS compliancy and it also stated that it has filed the appropriate CJIS Security Addendum with the State of Minnesota, which we verified with the BCA.



Conclusion:

Based on the results of the Woodbury Public Safety Department BWC Audit conducted by InfoSec Associates, we were able to demonstrate that Woodbury Public Safety Department is using the WatchGuard BWC System in accordance with all, but two policy items, of the requirements of Minn. Stat. § 13.825 and Minn. Stat. § 626.8473.

This Audit was conducted and attested to by:

A handwritten signature in blue ink, appearing to read 'Dimitrios Hilton', is written over a horizontal line.

Dimitrios Hilton

Senior Auditor, InfoSec Associates

Submitted to:

- Woodbury Public Safety Director/Chief of Police
- Woodbury City Council
- Legislative Commission on Data Practices and Personal Data Privacy