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West Saint Paul Police Department 2021 Body Worn Camera (BWC) Audit

Executive Summary Report

Prepared for City of West Saint Paul

November 16, 2021



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Background:

West Saint Paul Police Department retained the Minnesota Security Consortium (MNSec) 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. The Minnesota Security Consortium (MNSec) does not operate or have access to their BWC systems, therefore allowing it to audit the systems as an independent auditor. The West Saint Paul Police Department provided their administrative access to the Axon system during the audit to review audit criteria. Interviews and auditing of the Axon system was conducted with the West Saint Paul Police Operations Assistant during the audit process.

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 1/6/20 to 9/31/21.

West Saint Paul Police Department uses the on-premises Axon video system for its BWC program. Although their Axon system records both in-squad video as well as BWC videos, the scope of the audit focused only on BWC video data. Their Axon system was treated as their only primary source of all BWC data and was the focus of this audit. All Axon BWC data video had date and time stamps of when the data was collected.

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Required Public Hearing:

Pursuant to Minn. Stat. § 626.8473, Subd. 2, the West Saint Paul Police Department allowed for public comment regarding its new BWC Program during the West Saint Paul City Council Meeting held on October 14, 2019. In addition, a solicitation for electronic input was also made in the Q1 2019 West Saint Paul newsletter and website, and summary document was presented to the Council on October 14, 2019. Council Meeting Minutes were reviewed during the audit. West Saint Paul was compliant with this aspect of the Statute, Minn. Stat. § 626.8473, Subd. 2.

Department BWC Policy:

West Saint Paul Police Department has a BWC Policy in place entitled, "Policy 423: 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. In addition, West Saint Paul Police Department posts a publicly available copy of this policy on its public website:

[https://www.wspmn.gov/DocumentCenter/View/4096/Portable Audio Video Recorders-1?bidId=](https://www.wspmn.gov/DocumentCenter/View/4096/Portable_Audio_Video_Recorders-1?bidId=)

Officer use of BWC Equipment:

West Saint Paul Police Department policy "Policy 423: 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 Axon video library to determine if they had been recording videos during those calls in accordance with their policy. In almost all cases, the patrol officers appeared to be using their BWC appropriately and activating recordings as outlined in the policy section 423.5 entitled, "ACTIVATION OF THE AUDIO/VIDEO RECORDER."

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Data Classification and Retention:

West Saint Paul Police Department treats BWC data as private unless it is permitted to be release in accordance with the provisions of Stat. § 13.825, Subd. 2.

West Saint Paul Police Department processes BWC data requests via the front desk staff of the police lobby, using the paper form “Body Camera Video Request” form. These requests are then reviewed by the Operations Assistant and/or Chief of Police prior to being approved.

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

West Saint Paul Police Department setup its data classification and retention schedule for BWC videos in the administrative settings of the Axon console. All 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, West Saint Paul Police Department has set that Retention Period to a minimum of 1 year or more (until manually deleted) under their classification category of “Administrative” for these types of BWC videos.

In addition, on specific type of calls, the West Saint Paul Police Operations Assistant in charge of the BWC program also reviews related BWC videos to ensure that all related videos have the appropriate classification. Any modifications to the classification are auditable in the Axon audit trail. Sampled BWC data was examined for modifications to the classification tags. The Axon audit trail indicated who and when the re-classification was made. Samples examined during the audit showed that all BWC Data was tagged with the correct classification and Retention Period in almost all cases. A few minor re-classification modifications appear to be normal and captured in the audit logs.

BWC data was sampled and audited across the audit period, and more intensely in the periods of September 2021. 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 Axon System.

West Saint Paul Police Department was compliant with its Classification and Retention requirements based on Statute, Minn. Stat. § 626.8473, Subd. 2. And Subd. 3.

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Access by Data Subjects:

West Saint Paul Police Department currently processes through the front desk of the police lobby, using the paper "Body Camera Video Request Form" form. This request is then reviewed by a member of the Command Staff prior to being approved.

West Saint Paul Police Department stated they redact BWC data when released to Data Subjects. They stated that they had processed approximately 7 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."

West Saint Paul Police Department "Policy 423: Portable Audio/Video Recorders," states:

"Members are prohibited from using personally owned recording devices while on-duty and shall only use a portable recording system issued and maintained by the department in documenting the officer's activities."

West Saint Paul Police Department was compliant with part of the Statute.

Authorization to Access Data:

West Saint Paul Police Department allows its officers to review their own BWC data. Access is enforced using user accounts and roles/rights in the Axon system.

BWC data was sampled and audited across the audit period, and more intensely in the period of September 2021. Results of sampling the BWC data, and its related audit trail in the Axon system, showed that it was either not viewed at all, viewed by the officer who recorded the data, or by a police supervisor. In almost 175 samples, BWC video metadata was reviewed during the audit process by the auditor and the Operations Assistant. In all samples, the BWC videos were shown to be viewed by either no one, the officer or supervisor.

All views and access were consistent with West Saint Paul Police Department "Policy 423: Portable Audio/Video Recorders" and Minn. Stat. § 13.825 Subd. 7, as authorized by the Chief of Police.

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Sharing Among Agencies:

West Saint Paul Police Department 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.

West Saint Paul Police Department processes BWC data requests by other Agencies via email which must contain a legitimate, specified law enforcement purpose, as required by Minn. Stat. § 13.825, Subd. 7.

West Saint Paul Police Department was compliant with this aspect of the Statute.

Biennial Audits:

West Saint Paul Police Department 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, Axon was the primary vendor and system for their BWC program. BWC videos were recorded, classified, and stored in Axon cloud-based system, called Evidence.com.

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 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. The BCA had confirmed that Axon had been approved by the BCA, and that its previous Security Addendum had expired and was recently being renewed. It's presumed that all of these renewal delays are due to the pandemic, and will eventually be approved.

West Saint Paul Police Department was compliant with this aspect of the Statute.

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Conclusion:

Based on the results of the West Saint Paul Police Department BWC Audit conducted by the Minnesota Security Consortium (MNSec), we were able to demonstrate that West Saint Paul Police Department is using the Axon BWC System in accordance the requirements of Minn. Stat. § 13.825 and Minn. Stat. § 626.8473.

This Audit was conducted and attested to by:



Dimitrios Hilton

Senior Auditor, Minnesota Security Consortium (MNSec)

Submitted to:

- West Saint Paul Police Department Chief of Police
- West Saint Paul City Council
- Legislative Commission on Data Practices