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Edina Police Department 2022 Body-Worn Camera (BWC) Audit

Executive Summary Report

City of Edina Police Department

October 28, 2022



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Background:

Edina Police Department retained Minnesota Security Consortium to audit its agency's use of 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 does not operate or have access to their BWC systems, therefore allowing it to audit the systems as an independent auditor. The City of Edina Police Department provided their administrative access to the WatchGuard system during the audit to review audit criteria. Interviews and auditing of the WatchGuard system was conducted with the Edina Police Department Commanders.

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.

"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 12/1/2020 to 9/30/2022.

Edina Police Department uses the cloud-based WatchGuard (Motorola Solutions) 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.

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Required Public Hearing:

Pursuant to Minn. Stat. § 626.8473, Subd. 2, Edina Police Department allowed for public comment regarding its new BWC Program.

The first method of input was at the in-person Edina City Council Meeting held on December 17, 2019. This process also involved the Community Engagement Coordinator. Board Minutes of this Edina City Council Meetings were provided to us and reviewed during the audit.

The second method of input was collected electronically from the Better Together Edina site, from December 2, 2019, to January 3, 2020.

<https://www.bettertogetheredina.org/bodycams>

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

Policy

Edina Police Department has a BWC Policy in place entitled, “Edina Police Operations Manual (Policy Number 775.00) Body Worn Cameras.” Their Policy was reviewed to ensure that it contained the required elements as outlined in Minn. Stat. § 626.8473, Subd. 3. In addition, Edina Police Department posts a publicly available copy of this policy on its public website:

<https://www.edinamn.gov/DocumentCenter/View/10505/77500-Body-Worn-Cameras-PDF?bidId=>

Edina Police Department was compliant in this part of the statute

Officer use of BWC Equipment

Edina Police Department “Edina Police Operations Manual (Policy Number 775.00) Body Worn Cameras” requires that Officers wear their BWC equipment and activate it during specific instances.

Approximately 200 Random Samples of dispatch Calls for Service we compared to the WatchGuard video library to determine if they had been recording videos during those calls in accordance with their policy. In virtually all cases, each patrol officer appeared to be using their BWC appropriately and activating recordings as outlined in the policy section entitled, “Edina Police Operations Manual (Policy Number 775.00) Body Worn Cameras.”

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Data Classification and Retention

Edina 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.

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

Edina Police Department 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 with Minn. Stat. §13.825, Subd. 3 (b). At the time of the audit, Edina Police Department has set that Retention Period for these two types of incidents to “Do Not Purge.”

In addition, all BWC footage related to 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 would be set to Classification of “Do Not Purge.” There were no reported Discharge of Firearms calls during this audit period.

In addition, on specific type of calls, The Edina Police Department Records Staff also reviews related BWC videos to ensure they all related video have the same classification. Any modifications to the Classification are auditable in the WatchGuard audit trail. Sampled BWC data was examined for Modifications to Classification tags. In cases where Records Staff made a change in the Classification, it was 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 May 2022. Calls for Service that had BWC Data associates to it, and which has expired retention periods, showed that the BWC had been deleted from the WatchGuard System.

Edina 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:

Edina Police Department processes public BWC data requests via its online request system called, "Public Data Request - Minnesota Government Data Practices Act."

<https://www.edinamn.gov/FormCenter/Contact-UsShare-a-Concern-33/Public-Data-Request-Minnesota-Government-235>

Citizens can also make a request for their privately classified BWC data by visiting front desk of the police lobby, using the paper "Classified Data Access Request" form.

Edina Police Department Support Services stated they redact BWC Data when released to Data Subjects. They stated they had approximately a dozen records requests during the audit period.

Edina Police Department was compliant with this aspect of the Statute.

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."

Edina Police Department "Edina Police Operations Manual (Policy Number 775.00) Body Worn Cameras," section 775.02(B) states:

"Officers may use only department-issued BWCs in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of this department."

Edina Police Department was compliant with this aspect of the Statute.

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Authorization to Access Data:

Edina Police Department allows its officers to review their own BWC prior to preparing a report, giving a statement, or providing testimony about the incident. Access is enforced using user accounts and roles/rights in the WatchGuard system.

BWC Data was sampled and audited across the audit period, and more intensely in the periods of September 2022 and May 2022. 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 only a few samples, BWC video metadata was reviewed by a member of the Records team and minor changes were made to adjust the correct case number and classification.

All views and access were consistent with Edina Police Department “Edina Police Operations Manual (Policy Number 775.00) Body Worn Cameras” and Minn. Stat. § 13.825 Subd. 7, as authorized by the Chief of Police.

Sharing Among Agencies:

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

Edina Police Department processes BWC data requests by other Agencies via Email (phone requests are still followed up by written email requests). Any request made to Records Staff is attached directly to the case and a note is entered into the tracking portion of that case in our records management system. The request for BWC footage requires that they have a legitimate, specified law enforcement purpose, as required by Minn. Stat. § 13.825, Subd. 7.

Edina Police Department was compliant with these aspects of the Statute.

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Biennial Audits:

Edina Police Department has acknowledged that it intends to continue completing biennial audits of its BWC System, as required by Minn. Stat. § 13.825, Subd. 9. This was their first audit. Edina Police Department was compliant with these aspects of the Statute.

BWC System Vendors:

At the time of the audit, Motorola/WatchGuard was the primary vendor and system for their BWC program. BWC videos were recorded, classified, and stored Cloud based WatchGuard system.

Because Watchguard is a cloud-based solution, it is subject to the requirements of Minn. Stat. § 13.825, Subd. 11 (b), which requires Motorola/WatchGuard to follow the requirements of the FBI's CJIS Policy 5.9.1 or subsequent versions.

At the time of this audit, this was the best documentation we could find for the vendor's compliancy:

https://www.motorolasolutions.com/en_us/compliance.html

<https://www.motorolasolutions.com/content/dam/msi/docs/products/command-center-software/emergency-call-handling/securing-public-safety-software-in-the-cloud-final-whitepaper.pdf>

Motorola / Watchguard was still not listed as an approved BCA Vendor for BWC data, but the Minnesota BCA has indicated that Motorola is in the process of going through the vetting process. This does not mean that Motorola is not CJIS Compliant.

<https://dps.mn.gov/divisions/bca/bca-divisions/mnjis/Pages/bca-vendor-screening-program.aspx>

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Conclusion:

Based on the results of the Edina Police Department BWC Audit conducted by Minnesota Security Consortium, we can demonstrate that they are using the Motorola/WatchGuard BWC System in accordance with 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

Submitted to:

- Edina Police Department Chief of Police
- Edina City Council
- Legislative Commission on Data Practices and Personal Data Privacy