

Robbinsdale Police Department 2022 Body Worn Camera (BWC) Audit

Executive Summary Report

Prepared for City of Robbinsdale

November 17, 2022



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Background:

Robbinsdale 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 Robbinsdale Police Department Chief of Police and Captain provided their administrative access to the Motorola/WatchGuard system during the audit to review audit criteria. Interviews and auditing of the Motorola/WatchGuard system was conducted with the Robbinsdale Police Department Chief of Police 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 9/1/2020 to 8/31/22.

Robbinsdale Police Department uses the on-premises Motorola/WatchGuard video system for its BWC program. Although their Motorola/WatchGuard system records both in-squad video as well as BWC videos, the scope of the audit focused only on BWC video data. Their Motorola/WatchGuard systems was treated as their only primary source of all BWC data and was the focus of this audit. All Motorola/WatchGuard 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, Robbinsdale Police Department allowed for public comment in regard to its new BWC Program at the Robbinsdale City Council Workshop held on September 21, 2017 and the full City Council Public Hearing on October 3, 2017. Board Minutes of this Robbinsdale City Council Workshop and Meeting were provided to us and reviewed during the audit.

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

Department BWC Policy:

Robbinsdale Police Department has a BWC Policy in place entitled, "Use of Body Worn Cameras, Section: 326." Their Policy was reviewed to ensure that it contained the required elements as outlined in Minn. Stat. § 626.8473, Subd. 3.

Officer use of BWC Equipment:

Robbinsdale Police Department policy "Use of Body Worn Cameras, Section: 326" 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 Motorola/WatchGuard video library to determine if they had been recording videos during those calls in accordance with their policy. In virtually all cases, the patrol officers appeared to be using their BWC appropriately and activating recordings as outlined in the policy section VII entitled, "General Guideline for Recording."

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Data Classification and Retention:

Robbinsdale Police Department treats BWC data as private unless it is permitted to be released in accordance to the provisions of Stat. § 13.825, Subd. 2.

Robbinsdale Police Department processes BWC data requests via the front desk staff of the police lobby, using the paper "Request for Information" form. These requests are then reviewed by the Office Manager and by a member of the Command Staff prior to being approved.

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

Robbinsdale Police Department setup its data classification and retention schedule for BWC videos in the administrative settings of the Motorola/WatchGuard 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, Robbinsdale Police Department has set that Retention Period to a minimum of 1 year under their classification category, Use of Force, and for a minimum of 1 year in response to a formal complaint against an officer.

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 indefinite retention. In the one incident reviewed one officer did not activate their BWC since it was in a charging station when the call came out. All other officers have verifiable BWC video. 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, and that it was exported/downloaded for the purposes of BCA Investigative review.

In addition, on specific type of calls, the Robbinsdale Police Commander(s) in charge of the BWC program also review related BWC videos to ensure that all related videos have the appropriate classification. Any modifications to the classification are auditable in the Motorola/WatchGuard audit trail. Sampled BWC data was examined for modifications to the classification tags. The Motorola/WatchGuard audit trail indicated when the re-classification was made and by whom. Samples examined during the audit showed that all BWC Data was tagged with the correct classification and Retention Period.

BWC data was sampled and audited across the audit period, and more intensely in the periods of August 2022. 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 Motorola/WatchGuard System.

Robbinsdale 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:

Robbinsdale Police Department currently processes through the front desk of the police lobby, using the paper "Request for Information" form. These requests are then reviewed by the Office Manager and by a member of the Command Staff prior to being approved.

Robbinsdale Police Department stated they 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."

Robbinsdale Police Department "Use of Body Worn Cameras, Section: 326," Section VI, A 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."

Robbinsdale Police Department was compliant with part of the Statute.

Authorization to Access Data:

Robbinsdale Police Department allows its officers to review their own BWC data. Access is enforced using user accounts and roles/rights in the Motorola/WatchGuard system.

BWC data was sampled and audited across the audit period, and more intensely in the period of August 2022. Results of sampling the BWC data, and its related audit trail in the Motorola/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 almost 67 samples, BWC video metadata was reviewed during the audit process by the auditor and the Police Chief / Captain. 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 Robbinsdale Police Department "Use of Body Worn Cameras, Section: 326" and Minn. Stat. § 13.825 Subd. 7, as authorized by the Chief of Police.

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Sharing Among Agencies:

Robbinsdale 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.

Robbinsdale 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.

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

Biennial Audits:

Robbinsdale 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. Their last audit was in October of 2020, covering the period 11/1/18 to 8/31/20. This year's audit covers 9/1/2020 to 8/31/22.

Robbinsdale Police Department was compliant with this aspect 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 Motorola/WatchGuard system.

Because Motorola/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.

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

Conclusion:

Based on the results of the Robbinsdale Police Department BWC Audit conducted by the Minnesota Security Consortium (MNSec), we were able to demonstrate that Robbinsdale Police Department is using the Motorola/WatchGuard 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:

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