

# Minnesota Security Consortium - MNSec

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## Inver Grove Heights Police Department 2022 Body Worn Camera (BWC) Audit

### Executive Summary Report

Prepared for City of Inver Grove Heights

November 29, 2022



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## **Background:**

Inver Grove Heights 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. Interviews and auditing of the Axon system was conducted with the Inver Grove Heights Police Department Patrol Commander during the audit process. This was their second audit.

## **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 11/1/20 to 10/31/22.

Inver Grove Heights Police Department uses the Cloud based 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 systems 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, Inver Grove Heights Police Department allowed for public comment regarding its new BWC Program at the Inver Grove Heights City Council Workshop held on October 22, 2018. The meeting notice was posted on August 10, 2018 on their City Website and FaceBook pages. Board Minutes of this Inver Grove Heights City Council Workshop and Meeting were provided to us and reviewed during the audit.

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

## **Department BWC Policy:**

Inver Grove Heights Police Department has two BWC Policies in place.

The main BWC policy is entitled, "Portable Audio/Video Recorders, Policy 422." Their secondary BWC policy is entitled, "Portable Audio/Video Recorder Retention and Labeling Procedure: Procedure 401."

Both BWC policies were updated this year in 2022, prior to the Audit. Their Policy and Procedures was reviewed to ensure that it contained the required elements as outlined in Minn. Stat. § 626.8473, Subd. 3. Their willingness to keep their policies updated and current was noted and satisfies the intent of the statute.

## **Officer use of BWC Equipment:**

Inver Grove Heights Police Department policy "Portable Audio/Video Recorders, Policy 422." requires that Officers wear their BWC equipment and activate it during specific instances.

Random samples of one officer's patrol duty schedule 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. The patrol officers appeared to be using their BWC appropriately and activating recordings as outlined in the policy, Portable Audio/Video Recorders, Policy 422, section, "General Guidelines for Recording."

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## **Data Classification and Retention:**

Inver Grove Heights 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.

Inver Grove Heights Police Department setup its data classification and retention schedule for BWC videos in the administrative settings of the Axon console. This retention schedule is consistent with and outlined in their second BWC policy is entitled, "Portable Audio/Video Recorder Retention and Labeling Procedure: Procedure number 401." All BWC data is retained for a minimum of 90 Days, as required by Minn. Stat. §13.825, Subd. 3 (a).

BWC data was sampled and audited across the audit period, and more intensely in the period of September 2022. Calls for Service from earlier in the audit period 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.

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, Inver Grove Heights Police Department has set that Retention Period for these type of calls for service to a period of 7 years, under their classification category, "Report and/or Arrest."

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. No such incidents were reported during the audit period.

In addition, on specific type of calls, the Inver Grove Heights 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 Axon audit trail. Sampled BWC data was examined for modifications to the classification tags. The Axon audit trail indicated when the re-classification was made and by whom. Samples examined during the audit showed that most BWC Data was tagged with the correct classification and Retention Period in most cases.

Inver Grove Heights Police Department was compliant with its Classification requirements and very compliant with the Retention requirements based on Statute, Minn. Stat. § 626.8473, Subd. 2. and Subd. 3.

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## **Access by Data Subjects:**

Inver Grove Heights Police Department processes BWC data requests, using their form entitled, "Body Camera Release Form." These requests are processed by the Records Department staff and requires approval by Command.

Inver Grove Heights Police Department now also processes BWC data requests through it's online Records Request form: <https://www.ighmn.gov/1366/Police-Records-Requests>

At the time of the audit, one Court mandated BWC data disclosure had been made.

Inver Grove Heights Police Department stated they redact BWC data when released to Data Subjects. They stated that they had processed approximately 4 records requests during the audit period, 11/1/20 to 10/31/22.

## **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."

Inver Grove Heights Police Department "Portable Audio/Video Recorders, Policy 422," section 422.5, "MEMBER RESPONSIBILITIES," states:

"Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department

Inver Grove Heights Police Department "Portable Audio/Video Recorders, Policy 422," section 422.7, "PROHIBITED USE OF AUDIO/VIDEO RECORDERS," states:

"Members are prohibited from using personally owned recording devices while on-duty."

Inver Grove Heights Police Department was compliant with this part of the Statute.

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## **Authorization to Access Data:**

Inver Grove Heights 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 2022. 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 approximately 100 samples, BWC video metadata was reviewed during the audit process by the Auditor and the Patrol Commander. 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 Inver Grove Heights Police Department "Portable Audio/Video Recorders, Policy 422" and Minn. Stat. § 13.825 Subd. 7, as authorized by the Chief of Police.

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## **Sharing Among Agencies:**

Inver Grove Heights 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.

Inver Grove Heights 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.

Inver Grove Heights Police Department was compliant with this aspect of the Statute.

## **Biennial Audits:**

This is the second BWC Audit for the Inver Grove Heights Police Department. The agency has acknowledged that it intends to continue completing biennial audits 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 5.91 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, which we verified with the BCA.

Inver Grove Heights Police Department was compliant with this aspect of the Statute.

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## **Conclusion:**

Based on the results of the Inver Grove Heights Police Department BWC Audit conducted by the Minnesota Security Consortium (MNSec), we were able to demonstrate that Inver Grove Heights 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:



11/29/2022

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Dimitrios Hilton

Senior Auditor, Minnesota Security Consortium (MNSec)

Submitted to:

- Inver Grove Heights Police Department Chief of Police
- Inver Grove Heights City Council
- Legislative Coordinating Commission, Subcommittee on Data Practices