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Mahnomen County Sheriff's Office 2023 Body-Worn Camera (BWC) Audit

Executive Summary Report

Mahnomen County Sheriff's Office

February 14, 2023



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Background:

Mahnomen County Sheriff's Office 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 Mahnomen County Sheriff's Office 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 Mahnomen County Sheriff and the Mahnomen County Chief-Deputy.

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 Deputy that is capable of both video and audio recording of the Deputy'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 2/1/21 to 12/31/22.

Mahnomen County Sheriff's Office uses the cloud-based Axon video system for its BWC program. Although their Axon system records in both in-squad cameras as well as BWC videos, the scope of the audit focused only on BWC video data.

Required Public Hearing:

Pursuant to Minn. Stat. § 626.8473, Subd. 2, Mahnomen County Sheriff's Office allowed for public comment regarding its new BWC Program.

Community input was possible at the Mahnomen County Board of Commissioners Meeting on January 26, 2021. Notice of the meeting was published in the Board Agenda ahead of time. Board Minutes of this meeting were provided to us and reviewed during the audit.

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Policy

Mahnomen County Sheriff's Office has a BWC Policy in place entitled, "Policy 410: 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.

Mahnomen County Sheriff's Office was compliant in this part of the statute.

Deputy use of BWC Equipment

Mahnomen County Sheriff's Office "Policy 410: Portable Audio/Video Recorders" requires that Deputies wear their BWC equipment and activate it during specific instances.

Approximately 52 Random Samples of dispatch Calls for Service we compared to the Axon video library to determine if they had been recording videos during those calls in accordance with their policy. In virtually all cases, each Patrol Deputy appeared to be using their BWC appropriately and activating recordings as outlined in the policy section entitled, "Policy 410: Portable Audio/Video Recorders."

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Data Classification and Retention

Mahnomen County Sheriff's Office treats BWC data as private unless it is permitted to be released 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.

Mahnomen County Sheriff's Office setup its data classification and retention schedule for BWC videos in the administrative settings of the Axon console. BWC Data is currently 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 Deputy, or when the event triggers a formal complaint against the peace Deputy, 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, Mahnomen County Sheriff's Office has set that Retention Period for these two types of incidents to "indefinite."

In addition, all BWC footage related to discharge of a firearm by a peace Deputy 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 "indefinite." There was one reported Discharge of Firearms call during this audit period. All Deputies appeared to have conformed to the BWC Policy.

In addition, on specific type of Calls for Service (CFS), The Mahnomen County Sheriff's Office 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 Axon audit trail. Sampled BWC data was examined for Modifications to Classification tags. In cases where Records Department or a Commander 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 Axon 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 and December 2022.

Mahnomen County Sheriff's Office 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:

Mahnomen County Sheriff's Office processes public BWC data requests

Citizens can also make a request for their privately classified BWC data by visiting front desk of the Sheriff's Office lobby, using the paper form "Mahnomen County Sheriff's Office Body Camera Authorization to Release."

Mahnomen County Sheriff's Office Commanders stated they redact BWC Data when released to Data Subjects. They stated they had only a few records requests were made during the audit period.

Mahnomen County Sheriff's Office 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."

Mahnomen County Sheriff's Office "Policy 410: Portable Audio/Video Recorders," section 410.2 states:

"The Mahnomen County Sheriff's Office may provide members with access to portable recorders for use during the performance of their duties;" and

"Deputies should only use department issued portable recorders for use during the performance of their duties for this agency or when otherwise performing authorized law enforcement services as an employee of this department."

Mahnomen County Sheriff's Office was compliant with this aspect of the Statute.

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Authorization to Access Data:

Mahnomen County Sheriff's Office allows its Deputies to review non-public BWC data for legitimate, specified law enforcement purposes. 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 periods of November 2022 and December 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 Deputy who recorded the data, or by a police supervisor.

All views and access were consistent with Mahnomen County Sheriff's Office "Policy 410: Portable Audio/Video Recorders" and Minn. Stat. § 13.825 Subd. 7, as authorized by the Chief of Police.

Sharing Among Agencies:

Mahnomen County Sheriff's Office 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.

Mahnomen County Sheriff's Office processes BWC data requests from other agencies, and is approved by a Commander.

Links to BWC video is generated in their Evidence.com control panel, and the access is then monitored and logged in the video's Audit Trail.

The request for BWC footage requires that they have a legitimate, specified law enforcement purpose, as required by Minn. Stat. § 13.825, Subd. 7.

Mahnomen County Sheriff's Office was compliant with these aspects of the Statute.

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Biennial Audits:

Mahnomen County Sheriff's Office 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. Mahnomen County Sheriff's Office was compliant with these aspects of the Statute.

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 5.9.2 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.

https://axon-2.cdn.prismic.io/axon-2/ca313085-800d-42db-af82-2e96f49e0000_Axon+Cloud+Services+CJIS+5.9+Compliance+Guide.pdf

Mahnomen County Sheriff's Office was compliant with this aspect of the Statute.

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Conclusion:

Based on the results of the Mahnomen County Sheriff's Office BWC Audit conducted by Minnesota Security Consortium, we can demonstrate that they are using the Axon 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:

- Mahnomen County Sheriff
- Mahnomen County Commissioners
- Legislative Commission on Data Practices and Personal Data Privacy
- Required Legislative members as specified by Statute