

# Minnesota Security Consortium - MNSec

*Bringing Information Security to Local Minnesota Governments*

## White Bear Lake Police Department 2023 Body-Worn Camera (BWC) Audit

### Executive Summary Report

White Bear Lake Police Department

March 8, 2023



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## **Background:**

White Bear Lake 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 White Bear Lake Police Department 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 White Bear Lake Police Department Chief of Police and BWC Evidence Technician.

## **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 1/1/21 to 12/31/22.

White Bear Lake Police Department uses the cloud-based Motorola/WatchGuard video system for its BWC program. Although their Motorola/WatchGuard system records in both in-squad cameras 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, White Bear Lake Police Department allowed for public comment regarding its new BWC Program.

Community input was possible at the White Bear Lake City Council Meeting on November 28, 2017. 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.

## **Policy**

White Bear Lake Police Department has a BWC Policy in place entitled, "POST Mandated Policy # 100-16: Body Worn Camera Use: Body Worn Camera Use." Their Policy was reviewed to ensure that it contained the required elements as outlined in Minn. Stat. § 626.8473, Subd. 3.

White Bear Lake Police Department was compliant in this part of the statute.

## **Officer use of BWC Equipment**

White Bear Lake Police Department "POST Mandated Policy # 100-16: Body Worn Camera Use" requires that Officers wear their BWC equipment and activate it during specific instances.

Approximately 52 Random Samples of dispatch Calls for Service we compared to 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, each Patrol Officer appeared to be using their BWC appropriately and activating recordings as outlined in the policy section entitled, "POST Mandated Policy # 100-16: Body Worn Camera Use."

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## **Data Classification and Retention**

White Bear Lake Police Department 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.

White Bear Lake Police Department setup its data classification and retention schedule for BWC videos in the administrative settings of the Motorola/WatchGuard 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 an 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, White Bear Lake Police Department has set that Retention Period for these two types of incidents to “Use of Force” or “2 Year Retention.” Both of these retention periods are set for 730 Days (2 years).

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. There were no reported Discharge of Firearms call during this audit period.

In addition, on specific type of Calls for Service (CFS), The White Bear Lake 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 Motorola/WatchGuard audit trail. Sampled BWC data was examined for Modifications to Classification tags. In a few cases there were no classifications tagged by officers in the video, but overall classification was done well. The Motorola/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 November 2021 and December 2022.

White Bear Lake 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:**

White Bear Lake Police Department processes public BWC data requests, via their online “Discovery Request:”

<https://www.whitebearlake.org/publicsafety/webform/discovery-request>

Citizens can also make a request for their privately classified BWC data by visiting front desk of the Police Department lobby, using the paper form “Discovery Request.”

White Bear Lake Police Department Commanders stated they redact BWC Data when released to Data Subjects. They stated they had about 500 requests were made during the audit period.

White Bear Lake 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.”

White Bear Lake Police Department “POST Mandated Policy # 100-16: Body Worn Camera Use,” section V.A. states:

“Officers must 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.”

White Bear Lake Police Department was compliant with this aspect of the Statute.

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## **Authorization to Access Data:**

White Bear Lake Police Department allows its Officers to review non-public BWC data for legitimate, specified law enforcement purposes. 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 periods of November 2021 and December 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.

All views and access were consistent with White Bear Lake Police Department "POST Mandated Policy # 100-16: Body Worn Camera Use" and Minn. Stat. § 13.825 Subd. 7, as authorized by the Chief of Police.

## **Sharing Among Agencies:**

White Bear Lake 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.

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

White Bear Lake Police Department processes BWC data requests by other agencies and documents the case number. Agencies can make their request via email or the online Discovery form.

White Bear Lake Police Department was compliant with these aspects of the Statute.

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## **Biennial Audits:**

White Bear Lake 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. There was a small gap on audit coverage since the Minnesota State Auditor's office suddenly stopped providing this service to agencies. This was their first audit Minnesota Security Consortium, and we are happy to help in the future. White Bear Lake Police Department is now on track to be 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 in Motorola/WatchGuard cloud-based system, called CommandCentral Evidence.

Because CommandCentral Evidence 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 5.9.2 and subsequent versions. Motorola/WatchGuard has published a security white paper outlining its responsibilities for CJIS compliance, and it also stated that it has filed the appropriate CJIS Security Addendum for employee background checks with the State of Minnesota, which we verified with the BCA.

<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>

White Bear Lake Police Department was compliant with this aspect of the Statute.

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## **Conclusion:**

Based on the results of the White Bear Lake 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:



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Dimitrios Hilton

Senior Auditor, Minnesota Security Consortium

Submitted to:

- White Bear Lake Chief of Police
- White Bear City Council, via the Chief of Police
- Legislative Commission on Data Practices and Personal Data Privacy
- Required Legislative members as specified by Statute