

Minnesota Security Consortium - MNSec

Bringing Information Security to Local Minnesota Governments

Cottage Grove Police Department 2023 Body-Worn Camera (BWC) Audit

Executive Summary Report

Cottage Grove Police Department

April 12, 2023



Minnesota Security Consortium - MNSec

Bringing Information Security to Local Minnesota Governments

Background:

Cottage Grove 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 Cottage Grove 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 Cottage Grove 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 1/1/20 to 12/31/22.

Cottage Grove Police Department uses the on-premises version of Motorola/WatchGuard video system for its BWC program. They also use Axon's Evidence.com for redaction. Although their Motorola/WatchGuard system records both in-squad cameras as well as BWC videos, the scope of the audit focused only on BWC video data.

Minnesota Security Consortium - MNSec

Bringing Information Security to Local Minnesota Governments

Required Public Hearing:

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

Community input was possible at the Cottage Grove City Council Meeting on November 20, 2019. Notice of the meeting was published in the Council Agenda ahead of time. Council Minutes of this meeting were provided to us and reviewed during the audit.

Policy

Cottage Grove Police Department has a BWC Policy in place entitled, "Policy 423: 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.

Cottage Grove Police Department was compliant in this part of the statute.

Officer use of BWC Equipment

Cottage Grove Police Department "Policy 423: Portable Audio/Video Recorders" requires that Officers wear their BWC equipment and activate it during specific instances.

Approximately 56 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, "Policy 423: Portable Audio/Video Recorders."

Minnesota Security Consortium - MNSec

Bringing Information Security to Local Minnesota Governments

Data Classification and Retention

Cottage Grove 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.

Cottage Grove Police Department set up 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, Cottage Grove Police Department has set that retention periods for “formal officer complaints” to 1 year and for “Use of Force” for 7 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 types of Calls for Service (CFS), The Cottage Grove 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. Overall classification was done very 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 February 2022 and December 2022.

Cottage Grove Police Department was compliant with its Classification and Retention requirements based on Statute, Minn. Stat. § 626.8473, Subd. 2. And Subd. 3.

Minnesota Security Consortium - MNSec

Bringing Information Security to Local Minnesota Governments

Access by Data Subjects:

Cottage Grove Police Department processes public BWC data requests, via their online “Report Request.”

<https://www.cottagegrovemn.gov/355/Report-Requests>

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

Cottage Grove Police Department stated they redact BWC Data when released to Data Subjects. They stated they had approximately 54 requests made during the audit period.

Cottage Grove 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.”

Cottage Grove Police Department “Policy 423: Portable Audio/Video Recorders,” section 423.7. states:

“Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Sergeant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements and should notify the on-duty supervisor of such use as soon as reasonably practicable.”

Cottage Grove Police Department’s policy requires personal devices to be maintained according to department policy, and they believe they are compliant with this aspect of the Statute.

Minnesota Security Consortium - MNSec

Bringing Information Security to Local Minnesota Governments

Authorization to Access Data:

Cottage Grove 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 February 2022 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 records/command staff.

All views and access were consistent with Cottage Grove Police Department "Policy 423: Portable Audio/Video Recorders" and Minn. Stat. § 13.825 Subd. 7, as authorized by the Chief of Police.

Sharing Among Agencies:

Cottage Grove 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.

Cottage Grove Police Department processes BWC data requests via email from other agencies, including the City and County Attorney's offices.

Cottage Grove Police Department was compliant with these aspects of the Statute.

Minnesota Security Consortium - MNSec

Bringing Information Security to Local Minnesota Governments

Biennial Audits:

Cottage Grove 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. Their implantation of the BWC program was during the COVID pandemic, and it has taken them some time to get their first BWC audit started. The Minnesota Security Consortium is committed to helping maintain a strict 2-year audit cycle moving forward. This was their first audit Minnesota Security Consortium, and we are happy to help in the future. Cottage Grove 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 a published a security white paper outlining is responsibilities for CJIS compliancy, 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>

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

Minnesota Security Consortium - MNSec

Bringing Information Security to Local Minnesota Governments

Conclusion:

Based on the results of the Cottage Grove 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:

- Cottage Grove Director of Public Safety
- Cottage Grove City Council, via the Director of Public Safety
- Legislative Commission on Data Practices and Personal Data Privacy
- Required Legislative members as specified by Statute