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Elko New Market Police Department 2023 Body-Worn Camera (BWC) Audit

Executive Summary Report

Elko New Market Police Department

August 11, 2023



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Background:

Elko New Market 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 Elko New Market Police Department provided their administrative access to the WatchGuard/Motorola system during the audit to review audit criteria. Interviews and auditing of the WatchGuard/Motorola system was conducted with the Chief of Police and the Administrative Officer.

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 7/1/21 to 6/30/23.

Elko New Market Police Department uses the on-premises WatchGuard/Motorola video system for its BWC program. Although their WatchGuard/Motorola 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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Policy

Elko New Market Police Department has a BWC Policy in place entitled, “Policy # 216: Body Worn and Squad Camera.” Their Policy was reviewed to ensure that it contained the required elements as outlined in Minn. Stat. § 626.8473, Subd. 3.

https://www.ci.enm.mn.us/vertical/sites/%7B97941C7E-666C-4328-9370-1A15F984EEE3%7D/uploads/BWC_Policy.pdf

Elko New Market Police Department was compliant in this part of the statute.

Officer use of BWC Equipment

Elko New Market Police Department “Policy # 216: Body Worn and Squad Camera” requires that Officers wear their BWC equipment and activate it during specific instances.

Approximately 30 Random Samples of dispatch Calls for Service we compared to the WatchGuard/Motorola video library to determine if they had been recording videos during those calls in accordance with their policy.

A noticeable number of Calls for Service were missing BWC video completely, when there should be according to policy and for the protection of officers during traffic stops which are now becoming even more high risk. From our initial onsite analysis of the implementation of the WatchGuard/Motorola system, we have tentatively concluded the failure of BWC recording is a result of officers not properly syncing their BWC to the in-squad WatchGuard cradle/system at start of shift.

In all other cases, each Patrol Officers appeared to be using their BWC appropriately and activating recordings as outlined in the policy section entitled, “Policy # 216: Body Worn and Squad Camera.”

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Data Classification and Retention

The Elko New Market 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.

Elko New Market Police Department set up its data classification and retention schedule for BWC videos in the administrative settings of the WatchGuard/Motorola 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). The Complaint Retention period was set for 1-year (under the default category), but they had not handled any formal complaints during the audit period.

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. In all cases, the classification of the BWC Data would be set to for 1-year (under the default category). There were no reported Discharge of Firearms call during this audit period.

BWC Data was sampled and audited across the audit period, and more intensely in the periods of May and June 2023.

Elko New Market 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:

Elko New Market Police Department processes public BWC data requests via its form, "Police Department Data Request:"

[https://www.ci.enm.mn.us/vertical/sites/%7B97941C7E-666C-4328-9370-1A15F984EEE3%7D/uploads/Police_Department_Data_Request_Form\(1\).pdf](https://www.ci.enm.mn.us/vertical/sites/%7B97941C7E-666C-4328-9370-1A15F984EEE3%7D/uploads/Police_Department_Data_Request_Form(1).pdf)

Elko New Market Police Department stated they would redact BWC Data when released to Data Subjects. They stated that no records requests were made during the audit period.

Elko New Market 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."

Elko New Market Police Department "Policy # 216: Body Worn and Squad Camera," section B. 7., states:

"Law enforcement operators shall not use other electronic devices or other means in order to intentionally interfere with the capability of the Vista Watch Guard body and squad cameras."

We recommend working with your City Attorney to consider adding similar language to the "Operational Protocols" section,

"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."

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Authorization to Access Data:

The Elko New Market 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 WatchGuard/Motorola system.

BWC Data was sampled and audited across the audit period, and more intensely in the periods of May and June of 2023. Results of sampling the BWC Data and its related audit trail in the WatchGuard/Motorola system, showed that none of the videos sampled had been viewed.

Sharing Among Agencies:

Elko New Market 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 Elko New Market Police Department processes BWC data requests by other agencies, such as county attorneys, they document this in their RMS case file.

Links to BWC video are generated in their Evidence Library 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.

The Elko New Market Police Department was compliant with these aspects of the Statute.

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Biennial Audits:

Elko New Market 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 last audit was June 2019, and there was a two-year lapse due to COVID and availability of resources. This audit places them back on a regular biennial audit schedule.

BWC System Vendors:

At the time of the audit, WatchGuard/Motorola was the primary vendor and system for their BWC program. BWC videos were recorded, classified, and stored in WatchGuard/Motorola on their on-premises server.

If they chose to migrate to the Evidence Library, which is a cloud-based solution, it is subject to the requirements of Minn. Stat. § 13.825, Subd. 11 (b), which requires WatchGuard/Motorola to follow the requirements of the FBI's CJIS Policy 5.9.2 and subsequent versions. WatchGuard/Motorola has published a CJIS White paper outlining its responsibilities for CJIS compliancy.

“EvidenceLibrary.com Criminal Justice Information Services Compliance White Paper (March 2021).”

Elko New Market Police Department was compliant with this aspect of the Statute.

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Conclusion:

Based on the results of the Elko New Market Police Department BWC Audit conducted by Minnesota Security Consortium, we can demonstrate that they are now using the WatchGuard/Motorola 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:

- Elko New Market Chief of Police
- Elko New Market City Council
- Legislative Commission on Data Practices and Personal Data Privacy
- Required Legislative members, as specified by Statute
- MN Legislative Library