

**Minnesota Security Consortium - MNSec**  
*Bringing Information Security to Local Minnesota Governments*

# Orono Police Department 2023 Body-Worn Camera (BWC) Audit

## Executive Summary Report

Orono Police Department

August 14, 2023



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## **Background:**

Orono 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 Orono 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 with the assistance of Support Staff.

## **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.

Orono Police Department uses the cloud-based 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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## **Required Public Hearing:**

Pursuant to Minn. Stat. § 626.8473, Subd. 2, Orono Police Department allowed for public comment regarding its new BWC Program. The BWC public hearing was announced to the public in its published Meeting Agenda ahead of time. The actual meeting took place on February 8, 2021, in which there was an opportunity for public input. Board Minutes of this meeting were provided to us and reviewed during the audit.

## **Policy**

Orono Police Department has a BWC Policy in place entitled, "Policy 5010: 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.

Orono Police Department was compliant in this part of the statute.

## **Officer use of BWC Equipment**

Orono Police Department "Policy 5010: Portable Audio-Video Recorders" requires that Officers wear their BWC equipment and activate it during specific instances.

Approximately 40 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. In virtually all cases, each Patrol Officers appeared to be using their BWC appropriately and activating recordings as outlined in the policy section entitled, "Policy 5010: Portable Audio-Video Recorders."

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## **Data Classification and Retention**

The Orono 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.

Orono Police Department set up its data classification and retention schedule for BWC videos in the administrative settings of the WatchGuard/Motorola console. One category for Traffic Warning was accidentally set for 60 days but is now set for 90 days prior to the release of this report. All other BWC Data has been and 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).

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. If there had been, they stated they have a procedure to retain those types of incidents for a minimum of one year.

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

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

## **Access by Data Subjects:**

Orono Police Department processes public BWC data requests via its online request system called, "Report Requests:"

<https://www.aronomn.gov/FormCenter/Administration-6/Police-Online-Data-Practices-Request-For-69>

The Orono Police Department 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.

The Orono Police Department was compliant with this aspect of the Statute.

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## **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.”

Orono Police Department “Policy 5010: Portable Audio-Video Recorders,” section 5010.07 states:

“Members are prohibited from using personally owned recording devices while on duty. Personally owned devices, including but not limited to computers and mobile devices, shall not be programmed or used to access or view agency Portable Recorder data.”

Orono Police Department was compliant in this part of the statute.

## **Authorization to Access Data:**

The Orono Police Department allows its Officers to review non-public BWC data as a resource. 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 2023. Results of sampling the BWC Data and its related audit trail in the WatchGuard/Motorola system, showed that it was either not viewed at all or by a police supervisor.

All views and access were consistent with Orono Police Department “Policy 5010: Portable Audio-Video Recorders” and Minn. Stat. § 13.825 Subd. 7, as authorized by the Chief of Police.

## **Sharing Among Agencies:**

Orono 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 Orono Police Department processes BWC data requests by other agencies, such as county attorneys or their City Attorney, 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 Orono Police Department was compliant with these aspects of the Statute.

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## **Biennial Audits:**

Orono 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. This was their first audit. Orono Police Department was compliant with these aspects of the Statute.

## **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 cloud-based system, called Evidence Library.

Because Evidence Library 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).”

The Orono Police Department was compliant with this aspect of the Statute.

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## **Conclusion:**

Based on the results of the Orono Police Department BWC Audit conducted by Minnesota Security Consortium, we can demonstrate that they are 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:



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Dimitrios Hilton

Senior Auditor, Minnesota Security Consortium

Submitted to:

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