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Woodbury Public Safety Department 2023 Body-Worn Camera (BWC) Audit

Executive Summary Report

Prepared for City of Woodbury

December 11, 2023



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Background:

Woodbury Public Safety 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. 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 City of Woodbury Public Safety Department Support Services Division provided their administrative access to the WatchGuard system during the audit to review audit criteria. Interviews and auditing of the WatchGuard system were conducted with the Woodbury Public Safety Department Support Services Division.

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 10/1/21 to 9/30/23.

Woodbury Public Safety uses the on-premises WatchGuard video system for its BWC program. Although their WatchGuard system records both in-squad video as well as BWC videos, the scope of the audit focused only on BWC video data. In addition, since June of 2019, certain downloaded BWC videos were also shared with prosecuting attorneys, as a form of evidence sharing, using the Axon's Evidence.com service, which includes file storage and sharing software in the cloud. This audit examined Axon's Evidence.com's adherence to Minn. Stat. § 13.825, Subd. 11 (b) which addresses the CJIS requirements for storing BWC Data in the cloud. However, for all other purposes, the WatchGuard systems was treated as their only primary source of all BWC Data and was the focus of this audit. All WatchGuard BWC data videos had date and time stamps of when the data was collected.

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Required Public Hearing:

Pursuant to Minn. Stat. § 626.8473, Subd. 2, Woodbury Public Safety allowed for public comment regarding its new BWC Program at the Woodbury City Council Workshop held on January 18, 2017. Board Minutes of this Woodbury City Council Workshop were provided to us and reviewed during the audit.

Woodbury was compliant with this aspects of the Statute, Minn. Stat. § 626.8473, Subd. 2.

Policy

Woodbury Public Safety Department has a BWC Policy in place entitled, "Policy 420: 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. In addition, Woodbury Public Safety Department posts a publicly available copy of this policy on its public website:

<https://www.woodburymn.gov/577/Body-Worn-Cameras>

Woodbury Public Safety Department was compliant in this part of the statute.

Officer use of BWC Equipment

Woodbury Public Safety "Policy 420: Portable Audio/Video Recorders" requires that Officers wear their BWC equipment and activate it during specific instances.

BWC data was sampled and audited across the audit period, and more intensely in the periods of December 2022 and September 2023. Officer's Calls for Service were 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, the patrol officers appeared to be using their BWC appropriately and activating recordings as outlined in the policy section 420.5 "Activation of the Audio/Video Recorder."

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Data Classification and Retention

Woodbury Public Safety treats BWC data as private unless it is permitted to be release in accordance to the provisions of Stat. § 13.825, Subd. 2.

Woodbury Public Safety processes BWC data requests via its online request system called, “City of Woodbury Public Data Request Page.” Citizens can also make a request to the front desk of the police lobby, using the paper “Request for Information” form.

At the time of the audit, no Court mandated BWC data disclosures had been made.

Woodbury Public Safety set up its data classification and retention schedule for BWC videos in the administrative settings of the WatchGuard console. BWC Data is 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 peace 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, Woodbury Public Safety has set that Retention Period to 7 years under their classification category, “Response to Resistance,” and for a minimum of 3 years in response to a formal complaint against an officer, under their classification of “Investigation.”

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 cases of discharge of a firearm by a peace officer during this audit period.

BWC footage related to use of force 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 was one reported case of use of force by a peace officer that resulted in substantial bodily harm during this audit period. The use of BWC was compliant in this case with both the statute and the Woodbury BWC Policy.

The Woodbury Public Safety Support Services staff in charge of the BWC program, also reviews related BWC videos to ensure they all related video have the same classification. Any modifications to the Classification are auditable in the WatchGuard audit trail. Sampled BWC data was examined for Modifications to Classification tags. In cases where Records made a change in the Classification, it was done to make the Classification and/or Case Numbers consistent to the remaining BWC videos related to the same case. The WatchGuard audit trail indicated who and when the re-classification was made, which were also within the Woodbury BWC policy.

BWC Data was sampled and audited across the audit period, and more intensely in the periods of December 2022 and September 2023. Calls for Service that had BWC Data associates to it, and which has expired retention periods, showed that the BWC had been deleted from the WatchGuard System.

Woodbury Public Safety 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:

Woodbury Public Safety processes BWC data requests via its online request system called, "Citizen Service Request System." Citizens can also make a request to the front desk of the police lobby, using the paper "Records Request" form. This form is also available on their public website:

[https://woodburymn.govqa.us/WEBAPP/rs/\(S\(oeczlqfyrwif2g5vv0wvxx5e\)\)/supporthome.aspx](https://woodburymn.govqa.us/WEBAPP/rs/(S(oeczlqfyrwif2g5vv0wvxx5e))/supporthome.aspx)

Woodbury Public Safety Support Services stated they heavily redact BWC Data when released to Data Subjects. They stated they had approximately 15 records requests during the audit period.

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."

Woodbury Public Safety "Policy 420: Portable Audio/Video Recorders," section 420.2 states:

"... Officers may only use department issued portable recording devices in the performance of official duties or when otherwise performing authorized law enforcement services as a member of this department."

Woodbury Public Safety was compliant with these aspects of the Statute.

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Authorization to Access Data:

Woodbury Public Safety allows its officers to review their own BWC Data. Access is enforced using user accounts and roles/rights in the WatchGuard system.

BWC Data was sampled and audited across the audit period, and more intensely in the periods of September 2023 and December 2022. Results of sampling the BWC Data and its related audit trail in the WatchGuard system, showed that it was either not viewed at all, viewed by the officer who recorded the data, or by a police supervisor. In only a few samples, BWC video metadata was reviewed by a member of the Support Services team that operates the WatchGuard system, and minor changes were made to adjust the correct case number and classification. This was a commendable rate given the large number of BWC videos processed by this agency.

All views and access were consistent with Woodbury Public Safety “Policy 420: Portable Audio/Video Recorders” and Minn. Stat. § 13.825 Subd. 7, as authorized by the Chief of Police.

Sharing Among Agencies:

Woodbury Public Safety 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.

Woodbury Public Safety processes BWC data requests by other Agencies via its online request system called, “Request for Information” system. The request for requires that they have a legitimate, specified law enforcement purpose, as required by Minn. Stat. § 13.825, Subd. 7.

Woodbury Public Safety was compliant with these aspects of the Statute.

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Biennial Audits:

Woodbury Public Safety has acknowledged that it intends to continue completing biennial audits of its BWC System, as required by Minn. Stat. § 13.825, Subd. 9. They completed their last audit in 2021. Woodbury Public Safety was compliant with these aspects of the Statute.

BWC System Vendors:

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

However, certain videos were then shared with the local county attorneys using the Evidence.com system, which requires uploading a previously recorded WatchGuard video into the Evidence.com cloud based solution. 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 5.9.3 or subsequent versions. Axon has a published CJIS White paper outlining its responsibilities for CJIS compliancy, and it has also filed the appropriate CJIS Security Addendum with the State of Minnesota, which we verified with the BCA. It should be noted that Axon is in the process of renewing its listing with the BCA.

<https://trust.axon.com/?itemUid=938c1aa8-e009-4684-b9e2-a9f060dfdb3b>

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Conclusion:

Based on the results of the Woodbury Public Safety Department BWC Audit conducted by Minnesota Security Consortium, we can demonstrate that they are using the 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:

- Woodbury Public Safety Director/Chief of Police
- Woodbury City Council
- Legislative Commission on Data Practices and Personal Data Privacy
- Required Legislative members, as specified by Statute
- MN Legislative Library