

November 14, 2024

Sen. Bonnie Westlin, Chair
Legislative Commission on Data Practices
Minnesota Senate Building
95 University Ave W, Room 3403
St. Paul, MN 55155

Rep. Jamie Becker-Finn, Vice Chair
Legislative Commission on Data Practices
559 State Office Building
St Paul, MN 55155

Sally Olson, Commission Administrator
Legislative Commission on Data Practices
72 State Office Building
100 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155

Enclosed please find the 2024 Minneapolis Park Police Biennial Body Worn Camera (BWC) Audit Report from the period January 1, 2022 to December 31, 2023.

Sincerely,



Kendall Smaby
City Clerk's Office

cc: Legislative Reference Library, refdesk@lrl.leg.mn
Siddhartha Poudyal, Interim City Auditor

Enclosures: Park Police Body Worn Camera Audit Report
Certificate of Audit Summary Report by Governing Body

CERTIFICATE OF AUDIT SUMMARY REPORT

BY GOVERNING BODY

(Pursuant to Minnesota Statute 13.825, subd. 9)

STATE OF MINNESOTA

County of Hennepin

TO THE LEGISLATIVE COORDINATING COMMISSION SUBCOMMITTEE ON DATA PRACTICES (FORMERLY LEGISLATIVE COMMISSION ON DATA PRACTICES AND PERSONAL DATA PRIVACY):

PLEASE TAKE NOTICE, That the undersigned chief clerical officer of the City of Minneapolis DOES HEREBY CERTIFY, that in compliance with the provisions of Minnesota Statute 13.825, portable recording systems, the City Auditor's Office conducted an audit of the Minneapolis Park & Recreation Board Police Department Body Worn Camera Audit system to ensure compliance with state laws in accordance with Minnesota Statute 13.825, and was presented to the City Audit Committee on October 28, 2024, and published on October 28, 2024. The scope of the audit covers January 1, 2022, to December 31, 2023.

A copy of the Minneapolis Park & Recreation Board Police Department Body Worn Camera Audit Report is hereto annexed and made a part of this certificate by reference.



Signed: _____

Casey Joe Carl
Casey Joe Carl, City Clerk
City of Minneapolis
(Official designation of officer)



2024 Minneapolis Park Police Biennial Body Worn Camera (BWC) Audit

City of Minneapolis
Audit Division
Office of City Auditor
October 28, 2024

Table of Contents

Executive Summary	3
Audit Scope and Approach.....	3
Results and Observations	5
Recommendations	6
Conclusion	8
Contacts	9
Addendum	10
Park Board Response Letter	12

Executive Summary

The main objective of the 2024 Minneapolis Park Police Biennial Body Worn Camera (BWC) Audit is to determine whether the Minneapolis Park Police Department (MPPD) is compliant with Minnesota Statutes including:

- MN State Statute 13.825
- MN State Statute 626.553 Subd 2
- MN State Statute 609.02 Subd 7(a)
- MN State Statute 13.82 Subd 17(a)
- MN State Statute 13.82 Subd 7
- MN State Statute 13.43 Subd 2(5)
- MN State Statute 138.17
- MN State Statute 13.05
- MN State Statute 626.8473
- MN State Statute 13.08
- MN State Statute 13.055
- Minneapolis Park Police Department BWC Written Policy and Procedure

Based on the findings by City of Minneapolis City Auditor's Office Audit Division, it has been determined that the MPPD is compliant with the relevant Minnesota State Statutes concerning the use of Body-Worn Cameras (BWC). This conclusion is based on a comprehensive assessment of policy, data handling practices, and operational procedures.

While the Department demonstrates adherence to statutory requirements, Audit identified areas for improvement to be aligned with best practices. These observations and recommendations are outlined in the subsequent sections of this report.

Audit Scope and Approach

As part of our risk-based Community Safety Audit Plan approved by the Audit Committee, the Audit Division (Audit) of the City of Minneapolis Office of the City Auditor conducted a review of the Minneapolis Park Police Department's Body Worn Camera processes. The objective of this engagement was to audit compliance with Body Worn Camera laws and regulations, and review relevant policies, procedures, and security controls, as required by the State of Minnesota Statute 13.825.

According to Minnesota statute 13.825, subd. 9, law enforcement agencies using Body Worn Cameras must "arrange for an independent, biennial audit of the records to determine whether the data currently in the records are classified, how the data are used, whether they are destroyed as required under this section, and to verify appropriate access."

For this engagement, Audit did not utilize a third party to conduct the Audit and instead brought the work back to the City, employing one Community Safety Auditor and one Senior Internal Auditor to conduct the body worn camera viewing and IT portions of the audit respectively. The audit scope period included a compliance assessment of the period from January 1, 2022, to December 31, 2023.

The scope included the following audit criteria:

- MN State Statute 13.825 (Portable Recording Systems)
- MN State Statute 626.553 Subd 2 (Discharge Firearm; Kill animal)
- MN State Statute 609.02 Subd 7(a) (Substantial Bodily Harm)
- MN State Statute 13.82 Subd 17(a) (Protection of identities)
- MN State Statute 13.82 Subd 7 (Criminal Investigative Data)
- MN State Statute 13.43 Subd 2(5) (Public Data)
- MN State Statute 138.17 (Government Records; Administration)
- MN State Statute 13.05 (Data Protection)
- MN State Statute 626.8473 (Portable Recording Systems Adoption; Written Policy Required)
- MN State Statute 13.08 (Civil Remedies)
- MN State Statute 13.055 (Disclosure of Breach in Security)
- Minneapolis Park Police Department BWC Written Procedures

These criteria were evaluated to determine whether:

- Data are collected, classified, and used as defined by Mn Statute 13.825 Subd 2.
- BWC data are retained as defined by 13.825 Subd 3.
- BWC data access is limited in compliance with 13.825 Subd 4.
- The inventory of BWC is maintained in compliance with 13.825 Subd 5.
 - Total number of devices
 - Daily total number of recordings
 - Aggregate number of recordings
- Only agency issued BWC can be used to document officer activities in compliance with 13.825 Subd 6
- Written procedures must be in place to authorize access to non-public recordings via 13.825 Subd 7.
- BWC Data are shared with other law enforcement agencies as mandated by 13.825 Subd 8
- Proper notification to the Bureau of Criminal Apprehension within 10 days of obtaining new surveillance technology occurs in compliance with 13.825 Subd 10
- BWC vendors comply with United States Federal Bureau of Investigation Criminal Justice Information Services Division security policies in compliance with 13.825 Subd 11
- Minneapolis Park Police Department Personnel are adhering to the policies and procedures that are defined for BWC operation.

Audit met with Minneapolis Park Police Department leadership to gain information and understanding about the workings of the Body Worn Camera Program, received documentation from the Minneapolis Park Police Department as well as Axon, and was granted direct access to Axon's Evidence.com for independent review of body worn camera video and associated data.

Results and Observations

As noted in the Executive Summary, Audit has determined that the Minneapolis Park Police Department is compliant with Minnesota State Statute based on Audit's observations and review of policy, data handling practices, and operational procedures.

Training

Officers receive initial body worn camera training through the Minneapolis Police Academy, and Minneapolis Park Police Department Officers receive annual in-service training alongside the Minneapolis Police Department, including refresher training on Body Worn Camera policy and procedure. Changes and updates to policy are addressed as they happen through roll call training sessions with officers.

Policy

The Minneapolis Park Police Department Body Worn Camera Policy is based upon the Minneapolis Police Department's Body Worn Camera Policy and is updated when changes are made to the Minneapolis Police Department's Body Worn Camera Policy. Adjustments are made as needed to accommodate the specific needs and circumstances of the Minneapolis Park Police Department.

Data Retention, Redaction, and Deletion

Body worn camera data is not stored on City systems and is housed entirely within the Axon Evidence.com third-party system. Body worn camera video and data is only able to be downloaded by users with Admin access, and is done so sparingly, typically only when required by a data request. Redaction of video is handled solely by the Lieutenant in charge of the Body Worn Camera Program. Deletion of body worn camera video is conducted automatically by the Axon Evidence.com system.

Best Practices

In addition to standard compliance, Audit has chosen to highlight several best practices that better indicate the Minneapolis Park Police Department's commitment to a successful Body Worn Camera program:

- MPPD Sergeants regularly pull reports listing uncategorized body worn camera videos and proactively work to ensure they are appropriately categorized by officers in a timely manner. For the review period of January 1, 2022 to December 31st, 2023, Audit noted only six (6) uncategorized body worn camera videos.
- Lieutenants who oversee the Body Worn Camera program are automatically notified via email of body worn camera videos that are slated for automatic deletion, and vet the report to ensure that videos slated for deletion are being deleted appropriately and according to retention schedules.
- Quarterly reviews for each user are conducted by the user's direct supervisor. Reviews include a random selection of each user's BWC videos and a separate random selection of each user's PIMS cases, with evaluation entailing an end-to-end review of all aspects of each involved interaction to ensure quality and compliance.

Recommendations

Audit has determined that the Minneapolis Park Police Department is compliant with the relevant Minnesota State Statutes concerning the use of Body-Worn Cameras. Audit appreciates the efforts the Minneapolis Park Police Department have made to adhere to statute and maintain a robust Body Worn Camera program. Based on the results and observations above, Audit puts forth the following recommendations for improvements to bring the Minneapolis Park Police Department further in alignment with best practices:

1. BWC Categorization

BWC Categorization is broadly compliant with Minnesota State Statute. Most videos observed were classified correctly, and the few that were located in incorrect categories appeared to have been the result of a potentially confusing category name or user error in choosing the category above or below the correct category from the drop-down menu. Audit observed that three categories contained some BWC videos which appeared to have been mistakenly placed within an incorrect category:

- I. Background/Non-Evidence Invst. Recording,
- II. Non-BWC Data
- III. Significant Event.

Recommendation:

- Audit Division recommends that the Minneapolis Park Police Department consider renaming the “Background/Non-Evidence Invst. Recording” category to avoid including “Non-Evidence.”

2. Independent Third-Party Assessment Report Review

Audit reviewed the SOC 2 and SOC 3 Independent Assessment Reports provided by Axon. The SOC 2 report includes detailed information on the effectiveness of controls related to security, availability, processing integrity, confidentiality, and privacy. It is intended for those with a deeper understanding of the internal workings of these controls. In contrast, the SOC 3 report offers a general overview of these same controls, providing public assurance of the service provider's security and operational integrity but without the same level of technical detail. The audit noted that while the SOC 2 and SOC 3 reports are available, neither has been recently reviewed by the Minneapolis Park Police Department staff. Regularly reviewing these reports is critical to maintaining assurance over the service provider's control environment and addressing any changes that could impact security, availability, or privacy.

Recommendation:

- Establish a process for regularly reviewing and documenting the SOC 2 and SOC 3 Independent Assessment Reports.

3. Third-Party Personal Identifiable Information (PII) Security Review

During our review of the Personal Identifiable Information (PII) Assessment provided by the MPRB IT Director, MPRB has acknowledged the presence of PII housed outside of the City Enterprise in the Axon system.

Recommendations:

- Update the security assessment to include a detailed review of access control measures, risk management, and compliance with data minimization practices.
- Implement audit and monitoring practices, including logging controls, to track access to PII and ensure timely alerts for suspicious activities.
- Establish and document secure data retention and disposal procedures.
- Conduct security assessments for third-party systems and ensure compliance with internal and statutory security standards.
- Develop and maintain a data classification scheme that goes beyond identifying the presence of PII.
 - Implement and regularly update incident response plans to handle potential data breaches.

4. Internal Procedure for Granting Access to Evidence.com

Audit reviewed procedures for granting user access to Evidence.com and analyzed a sample of active user accounts. Audit noted that the Minneapolis Park Police Department has a written policy for requesting and granting access to Evidence.com, however lacks documentation of the existing internal procedure outlining the specific steps to follow when granting access to Evidence.com.

Recommendation:

- Document the currently established internal procedures for granting access to Evidence.com. This documentation should include step-by-step instructions, approval workflows, criteria for different access levels, and be incorporated into regular policy reviews and updates to maintain accuracy and effectiveness.

Conclusion

Audit has determined that the Minneapolis Park Police Department is compliant with the relevant Minnesota State Statutes concerning the use of Body-Worn Cameras (BWC). This conclusion is based on a comprehensive assessment of the MPPD's policies, data handling practices, and operational procedures as described above.

Audit would like to thank the Minneapolis Park Police Department for the assistance and dedication they shared during this engagement. Their time, knowledge, expertise provided throughout this engagement is greatly appreciated. In particular, the Minneapolis Park Police Department's transparency and communication with Audit during this engagement was exemplary.

Contacts

Audit Team for this Engagement

Ryan Franson, Community Safety Auditor

Ella Kings, Senior Internal Auditor

Minneapolis Park Police Department Primary Contacts

Lieutenant Calvin Noble

Lieutenant Andrew Klein

Chief Jason Ohotto

Chad Lauber, IT Director, Minneapolis Park Board

Interim City Auditor

Siddhartha Poudyal, CIA

Office of City Auditor

Phone: (612) 673-5938

Email: CityAuditor@minneapolismn.gov

Website: <https://www2.minneapolismn.gov/government/departments/auditor/>

Addendum

As with the 2023 MPD Biennial BWC Audit, a BWC video viewing component was added to provide additional insight into pattern and practice, directly determine compliance in categorization, and share information with the Minneapolis Park Police Department regarding any instances of misconduct observed. As BWC video viewing is a new addition to this Audit, methodology is included below:

1. Pre-Evaluation Preparations

- a. Evaluator Background: The evaluation team has the required training and knowledge to perform testing. Ryan Franson has over 8 years of experience viewing, evaluating, analyzing, and researching Body Worn Camera (BWC) footage in the AXON system. He is a Certified Practitioner of Oversight and is Criminal Justice Information Services (CJIS) Certified.
- b. Ensure Secure Environment: Ryan Franson is CJIS Certified. BWC videos are viewed in a secure, private location solely by the Evaluation Team. Computers used to access video are issued by the City of Minneapolis and follow all IT specifications for security.
- c. Categorize Videos: Audit used the existing categorizations established by the Minneapolis Park Police Department for testing. See the Minneapolis Park Police Department Policy and Procedure Manual Section IV, pages 15-17, for description of the categories.

2. Footage Access and Review

- a. Random Sampling: Audit selected 10 BWC videos per category as chosen by a random number generator from .csv lists of all BWC videos ranging from January 1, 2022, to December 31, 2023.
- b. All recordings were reviewed in the following categories that had fewer than 10 recordings:
 - i. Police Discharge of a Firearm
 - ii. Protected
 - iii. Restricted (Admin)
 - iv. Use of Force – Substantial Bodily Harm
- c. Two categories did not contain any BWC videos:
 - i. Deadly Force
 - ii. Recruit Academy
- d. Incident Specific: Audit determined whether the BWC videos are classified in the appropriate category.

3. Evaluation Criteria

- a. Data Collection and Classification: Auditors ensured that the content of the video corresponds to the specified data collection criteria and is correctly classified per Minnesota Statute 13.825 Subd 2.
- b. Retention: Auditors checked the date of recording and compared it to the retention schedule to ensure compliance with 13.825 Subd 3.
- c. Access: Auditors ensured that any access logs or metadata associated with the video align with the stipulations in 13.825 Subd 4.
- d. Inventory Verification: Auditors matched video data with the inventory list to verify that the correct devices captured the footage, ensuring compliance with 13.825 Subd 5.
- e. Authorization for Non-Public Recordings: For videos that are non-public, auditors checked whether there are evidence or logs showing proper authorization per 13.825 Subd 7.

- f. Data Sharing: None of the videos tested were shared. Auditors checked the Axon system to note shared videos.

4. **Quality and Integrity Checks**

- a. Footage Quality: Auditors determined whether video and audio quality on the BWC videos were sufficient for understanding and interpretation.
- b. Tamper Checks: Auditors checked for any evidence of tampering.
- c. Timestamp: Auditors used PIMS and AXON to verify that the timestamp on the BWC videos is accurate.
- d. Geolocation: Audit used PIMS and AXON to verify that the geolocation details on the BWC videos are accurate.

5. **Policy and Procedure Adherence**

- a. Operational Adherence: Audit determined whether BWC videos have been categorized correctly by Minneapolis Park Police Department Officers.
- b. Public Interaction: Audit reported any instances of apparent misconduct to Minneapolis Park Police Department leadership.
 - i. No instances of apparent misconduct were observed over the course of this audit.

6. **Documentation and Reporting**

- a. Audit maintained an Excel Spreadsheet of all videos reviewed, including date, officer who made the recording, categorization, and any notable findings such as potential misconduct.
- b. Issues and Non-Compliance: Audit documented any instances of non-compliance or other issues identified during the review as described above.
 - i. No instances of apparent misconduct were observed over the course of this audit.
- c. Recommendations: Audit formed recommendations based solely on findings from this review.

7. **Review and Feedback**

- a. Subsequent to completion of the evaluation, results were shared with relevant stakeholders and presented at Audit Committee.



Minneapolis
Park & Recreation Board

Transmitted via email

Administrative Offices
2117 West River Road North
Minneapolis, MN 55411-2227

Northside Operations Center
4022 1/2 North Washington Avenue
Minneapolis, MN 55412-1742

Southside Operations Center
3800 Bryant Avenue South
Minneapolis, MN 55409-1000

Phone
612-230-6400

Fax
612-230-6500

www.minneapolisparcs.org

October 23, 2024

Dear Interim City Auditor Siddhartha Poudyal,

We are pleased to learn that the City of Minneapolis City Auditor's Office Audit Division has determined that the Minneapolis Park Police Department is compliant with the relevant Minnesota State Statutes concerning the use of Body-Worn Cameras (BWC). Thank you for completing the required BWC Audit for the Minneapolis Park Police Department. Minneapolis Park and Recreation Board staff have been very complimentary of the audit process. We also appreciate the identification of Best Practices and Recommendations in the report. Staff are reviewing the recommendations and will develop a course of action to address these concerns, to the extent possible, prior to the next biennial audit.

Sincerely,

Jennifer B. Ringold
Deputy Superintendent

President
Meg Forney

Vice President
Cathy Abene, P.E.

Commissioners
Becky Alper
Billy Menz
Steffanie Musich
Tom Olsen
Charles Rucker
Elizabeth Shaffer
Becka Thompson

Superintendent
Al Bangoura

Secretary to the Board
Jennifer B. Ringold