

# Minnesota Security Consortium - MNSec

*Bringing Information Security to Local Minnesota Governments*

## Hopkins Police Department 2023 Body Worn Camera (BWC) Audit

### Executive Summary Report

Prepared for City of Hopkins

February 6, 2024



# Minnesota Security Consortium - MNSec

*Bringing Information Security to Local Minnesota Governments*

## **Background:**

Hopkins Police Department retained the Minnesota Security Consortium (MNSec) to audit its agency's use of its 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 (MNSec) does not operate or have access to their BWC systems, therefore allowing it to audit the systems as an independent auditor. The Hopkins 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 were conducted with the Hopkins Police Department Command staff during the audit process.

## **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; and

"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 1/1/2020 to 12/31/23.

Hopkins Police Department uses the cloud-based Motorola/WatchGuard video system for its BWC program. Although their Motorola/WatchGuard system records both in-squad video as well as BWC videos, the scope of the audit focused only on BWC video data. Their Motorola/WatchGuard systems was treated as their only primary source of all BWC data and was the focus of this audit. All Motorola/WatchGuard BWC data video had date and time stamps of when the data was collected.

# Minnesota Security Consortium - MNSec

*Bringing Information Security to Local Minnesota Governments*

## **Required Public Hearing:**

Pursuant to Minn. Stat. § 626.8473, Subd. 2, Hopkins Police Department allowed for public comment regarding its new BWC Program at the Hopkins City Council Meeting held on January 21, 2020. Board Minutes of this Hopkins City Council Meeting were provided to us and reviewed during the audit.

Hopkins was compliant with this aspect of the Statute, Minn. Stat. § 626.8473, Subd. 2.

## **Department BWC Policy:**

Hopkins Police Department has a BWC Policy in place entitled, "Policy 425: Portable Audi/Video Recorders." Their Policy was reviewed to ensure that it contained the required elements as outlined in Minn. Stat. § 626.8473, Subd. 3.

As required by statute they have posted their policy on their public web site:

<https://www.hopkinsmn.com/DocumentCenter/View/595/Police-Department-Policy-PDF>

Hopkins Police Department was compliant with this part of the statute.

## **Officer use of BWC Equipment:**

Hopkins Police Department "Policy 425: Portable Audi/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 May 2023 and December 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 425.5, "ACTIVATION OF THE AUDIO/VIDEO RECORDER."

# Minnesota Security Consortium - MNSec

*Bringing Information Security to Local Minnesota Governments*

## **Data Classification and Retention:**

Hopkins 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.

Hopkins Police Department processes BWC data requests via the front desk staff of the police lobby, using the paper "Request for Access to Data" form. These requests are then reviewed by the Office Manager and by a member of the Command Staff prior to being approved.

At the time of the audit, there were no Court mandated BWC data disclosures reported during this audit period.

Hopkins Police Department set up its data classification and retention schedule for BWC videos in the administrative settings of the Motorola/WatchGuard console. All 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, Hopkins Police Department has set that Retention Period to a minimum of 1 year under their classification category, CASE, and for a minimum of 1 year in response to a formal complaint against an officer.

In addition, all BWC footage related to the 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. No incidents related to the discharge of a firearm by a peace officer were reported during this audit period.

In addition, on specific type of calls, the Hopkins Police Commander(s) in charge of the BWC program also review related BWC videos to ensure that all related videos have the appropriate classification. Any modifications to the classification are auditable in the Motorola/WatchGuard audit trail. Sampled BWC data was examined for modifications to the classification tags. The Motorola/WatchGuard audit trail indicated when the re-classification was made and by whom. Samples examined during the audit showed that all BWC Data was tagged with the correct classification and Retention Period.

BWC data was sampled and audited across the audit period, and more intensely in the periods of January 2023 and December 2023. Calls for Service that had BWC data associated to it, and which had expired retention periods, showed that the BWC data had been deleted from the Motorola/WatchGuard System.

Hopkins 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:**

Hopkins Police Department currently has two processes for requesting BWC data, as permitted by statute and department policy.

The public can access the PDF online or from the the front desk of the police lobby, using the paper "Request for Access to Data" form. These requests are then reviewed by the Records Manager or by a member of the Command Staff prior to being approved.

<https://www.hopkinsmn.com/DocumentCenter/View/1407>

The public can also make data request directly through the department's online submission form:

<https://www.hopkinsmn.com/FormCenter/Police-17/Police-Records-Data-Request-Form-67>

Hopkins Police Department stated they redact BWC data when released to Data Subjects. They stated that they had processed approximately 1 or 2 records requests per year, 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."

Hopkins Police Department "Policy 425: Portable Audi/Video Recorders," Section 425.9 states:

"Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Sergeant / OIC. 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.

Hopkins Police Department is probably compliant with this part of the Statute.

# Minnesota Security Consortium - MNSec

*Bringing Information Security to Local Minnesota Governments*

## **Authorization to Access Data:**

Hopkins Police Department allows its officers to review their own BWC data. 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 period of May 2023 and December 2023. 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 a police supervisor. In almost 42 samples, BWC video metadata was reviewed during the audit process by the auditor and the Captain. In all samples, the BWC videos were shown to be viewed by either no one, the officer or supervisor.

All views and access were consistent with Hopkins Police Department "Policy 425: Portable Audi/Video Recorders" and Minn. Stat. § 13.825 Subd. 7, as authorized by the Chief of Police.

## **Sharing Among Agencies:**

Hopkins Police Department treats BWC data as private and may only share BWC data with other agencies when permitted by Minn. Stat. § 13.825, Subd. 8 and Subd. 7.

Hopkins Police Department processes BWC data requests by other Agencies via email which must contain a legitimate, specified law enforcement purpose, as required by Minn. Stat. § 13.825, Subd. 7.

Hopkins Police Department was compliant with this aspect of the Statute.

## **Biennial Audits:**

Hopkins Police Department has acknowledged that it intends to complete future biennial audits of its BWC System, as required by Minn. Stat. § 13.825, Subd. 9. Due to COVID, their first audit was delayed. This year's audit covers 1/1/2022 to 12/31/23. Their next BWC Audit Period would be 1/1/24 through 12/31/25.

# Minnesota Security Consortium - MNSec

*Bringing Information Security to Local Minnesota Governments*

## **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 Cloud based Motorola/WatchGuard system.

Because Motorola/WatchGuard 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 5.9.3 or subsequent versions.

At the time of this audit, this was the best documentation we could find for the vendor's compliancy:

[https://www.motorolasolutions.com/en\\_us/compliance.html](https://www.motorolasolutions.com/en_us/compliance.html)

<https://www.motorolasolutions.com/content/dam/msi/docs/about-us/cr/motorola-solutions-cjis-compliance-program-v2.pdf>

<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>

Motorola/WatchGuard was still not listed as an approved BCA Vendor for BWC data, but the Minnesota BCA has indicated that Motorola is in the process of going through the vetting process. This does not mean that Motorola is not CJIS Compliant.

<https://dps.mn.gov/divisions/bca/bca-divisions/mnjis/Pages/bca-vendor-screening-program.aspx>

# Minnesota Security Consortium - MNSec

*Bringing Information Security to Local Minnesota Governments*

## **Conclusion:**

Based on the results of the Hopkins Police Department BWC Audit conducted by the Minnesota Security Consortium (MNSec), we were able to demonstrate that Hopkins Police Department is using the Motorola/WatchGuard BWC System in accordance 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 (MNSec)

Submitted to:

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