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Richfield Police Department 2024 Body Worn Camera (BWC) Audit

Executive Summary Report

Prepared for City of Richfield

July 15, 2024



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Background:

Richfield 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 Richfield Police Department's IT Police Technician provided their administrative access to the Motorola/WatchGuard system during the audit to review audit criteria. Interviews and documents related to the Motorola/WatchGuard system were provided by the Richfield Police Department Command and Support 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 1/1/2021 to 12/31/2023.

Richfield Police Department uses the Cloud 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 system 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.

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Required Public Hearing:

Pursuant to Minn. Stat. § 626.8473, Subd. 2, Richfield Police Department allowed for public comment regarding its new BWC Program. A public survey to the community was conducted between February 9, 2018, and March 14, 2018. During that period, they reported the survey was viewed by approximately 1,507 people and completed by approximately 212 people. The results of the survey as well as an additional opportunity to for public input was conducted at a regular City Council Meeting in late 2018. In addition, the Richfield Chief of Police made an additional public meeting presentation at BWC City Council Work Session on January 26, 2021.

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

Department BWC Policy:

Richfield Police Department has a BWC Policy in place entitled, "Policy 143: Digital Body Recorders." Their Policy was reviewed to ensure that it contained the required elements as outlined in Minn. Stat. § 626.8473, Subd. 3. The policy is found on their public web site:

<https://cms9files.revize.com/richfieldmn/10-043%20Digital%20Body%20Recorders%201.5.21.pdf>

Officer use of BWC Equipment:

Richfield Police Department "Policy 143: Digital Body 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 2023 and June 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 all sampled cases, the patrol officers appeared to be using their BWC appropriately and activating recordings as outlined in the policy section, "General Guidelines for Recording."

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Data Classification and Retention:

Richfield 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, the Motorola/WatchGuard system had 285 TB of stored data, with 182,827 retained videos, which includes both BWC and squad videos.

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

Richfield 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, Richfield Police Department has set that Retention Period to a minimum of 1 year under their classification category, Use of Force, and for a minimum of 1 year in response to a formal complaint against an officer. Sampled cases this appears to be true.

In addition, on specific types of calls, the Richfield 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 most BWC Data was tagged with the correct classification and Retention Period, a few minor ones were misclassified. Generally the records Department tries to keep the BWC classification the same for all videos related to the same Incident or Case #.

Richfield 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:

Richfield Police Department currently processes BWC data requests by the public via its online Data Practices request Center:

<https://richfieldmn.govqa.us/WEBAPP/ rs>

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These requests are then reviewed by the department's Media and Data Specialist who approves, process, redacts, and delivers the requested data to the requestor. Police Command staff are consulted as needed.

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.”

Richfield Police Department “Policy 143: Digital Body Recorders,” Section II., states:

“It is the policy of this department to authorize and require the use of department-issued BWCs as set forth below, and to administer BWC data as provided by law.”

Richfield Police Department is probably compliant with part of the Statute.

Authorization to Access Data:

Richfield Police Department allows its officers to review their own BWC data if there is a business need for doing so. 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 December 2023 and June 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 48 samples, BWC video metadata was reviewed during the audit process by the auditor and the Agency's Police IT Technician. In all samples, the BWC videos were shown to be viewed by either no one, the officer, supervisor or Records.

All views and access were consistent with Richfield Police Department “Policy 143: Digital Body Recorders” and Minn. Stat. § 13.825 Subd. 7, as authorized by the Chief of Police.

Sharing Among Agencies:

Richfield 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.

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Richfield Police Department processes BWC data requests by government agencies by emailing the Richfield Police Department's Media and Data Specialist.

Requesting agencies must demonstrate a legitimate, specified, and documented law enforcement purpose for the request and should include the Case Number in the online form submitted. These requests are then reviewed by the department's Media and Data Specialist who approves, process, redacts, and delivers the requested data to the requestor. Police Command staff are consulted as needed.

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

Biennial Audits:

Richfield Police Department has acknowledged that it intends to complete a biennial audit of its BWC System, as required by Minn. Stat. § 13.825, Subd. 9. This was their first audit which was delayed due to COVID, and covered a three-year audit period, 1/1/2021 to 12/31/2023. Future audits will cover the required two-year period as required by Statute.

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/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>

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Conclusion:

Based on the results of the Richfield Police Department BWC Audit conducted by the Minnesota Security Consortium (MNSec), we were able to demonstrate that Richfield 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:

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