Special Audit Project

MAC Biennial Body-Worn Camera (BWC) Audit (first audit was performed in 2024)

BACKGROUND

Body-Worn cameras (BWC) are used by MAC's Airport Police Department (APD) for use in investigations, in response to emergencies, incidents, and requests for service. Per the APD BWC policy, "The primary purpose of using Body-Worn Cameras (BWCs) is to capture evidence arising from police-citizen encounters." The APD has an inventory of 181 cameras, and 169 cameras have been assigned to officers. In 2024, the APD had 64,153 videos compared to 64,583 calls for service. In 2025, the APD had 62,549 videos compared to 67,159 calls for service, and in 2026 (Jan – July), they had 38,470 videos compared to 31,286 calls for service.

Minn. Stat. 13.825 and Minn Stat. 626.8473 were established in 2016 to provide regulations for portable recording systems, also referred to as Body-Worn Cameras (BWC). According to Minn. Stat. 13.825, Subd. 9, agencies using BWC shall arrange for an independent, biennial audit to determine whether data are appropriately classified, how the data are used, and whether the data are destroyed as required by Minn. Stat. 13.825, Subd. 3, and to verify compliance with subdivisions 7 and 8 of Minn. Stat. 13.825, which refer to authorization to access BWC data and sharing BWC data among agencies. Since the APD began using BWC in February 2022, a biennial audit was required in 2024 and every two years going forward.

The focus of Minn. Stat. 626.8473 requires agencies who are implementing BWC to have a period for public comments, and to establish written policies and procedures. The written policy must be posted on the agency's website. The public comment period must be prior to purchasing or implementing a portable recording system. The APD's public comment period was between July 15, 2021, and August 16, 2021. The authorization to purchase BWC equipment was obtained from the Commission in September 2021, and the APD started using BWC in February 2022. The APD BWC policy can be found on MSP's public website.

The APD purchased its BWC's from Axon Enterprise, Inc., and the APD uses Axon's Evidence.com system, which is a cloud-based evidence system for BWC data storage, management, review, and sharing.

Minn. Stat. 13.825, Subd. 2 provides regulations for BWC data classification and for court-ordered disclosure of data. According to the statute, "data collected by a portable recording system are private data on individuals or non-public data, subject to the following: (1) data that document the discharge of a firearm by a peace officer in the course of duty, if a notice is required under section 626.553,subdivision 2, or the use of force by a peace officer that results in substantial bodily harm, as defined in section 609.02, subdivision 7a, are public; (2) data are public if a subject of the data requests it be made accessible to the public, except that, if practicable, (i) data on a subject who is not a peace officer and who does not consent to the release must be redacted, (ii) data on a peace officer whose identity is protected under section 12.82, subdivision 17, clause (a) must be redacted; (3) portable recording system data that are active criminal investigative data are governed by section 13.82, subdivision 7, and portable recording system data that are inactive criminal investigative data are governed by this section; (4) portable recording system data that are public personnel data under section 13.43, subdivision 2, clause (5) are public; and (5) data that are not public data under other provisions of this chapter retain that classification."

BACKGROUND (continued)

Besides determining how BWC data is collected, classified, and used, Minn. Stat. 13.825 requires law enforcement agencies to maintain BWC data for at least 90 days and destroyed according to the agency's retention schedule. However, the data must be maintained for at least one year if the data documents the discharge of a firearm by a peace officer in the course of duty if a notice is required under Minn. Stat. 626.553 Subd. 2 or the use of force by a peace officer that results in substantial bodily harm or if a formal complaint is made against a peace officer related to the incident. At MAC, the APD's retention of a video is based on the category code assigned to the video, and the retention periods given to each code are more conservative when compared to the statute. As an example, all incidents that end up with a case number are automatically retained for 7 years, and any incidents that involve a person's death, human trafficking, and criminal sexual conduct are retained until manually deleted. The only category where the 90-day retention period is used is for accidental use of BWC, testing, or training.

Per Minn. Stat. 13.825 Subd. 5, law enforcement agencies must maintain an inventory of portable recording system technology, which is public data. The inventory should include: (1) the total number of recording devices owned or maintained by the agency; (2) the daily record of the total number of recording devices actually deployed and used by officers and, if applicable, the precincts in which they were used; (3) the policies and procedures for use of portable recording systems required by section 626.8473; and (4) the total amount of recorded audio and video data collected by the portable recording system and maintained by the agency, the agency's retention for the data, and the agency's procedures for destruction of the data.

Regarding authorization to access data, Minn. Stat. 13.825 requires in Subd. 7(b):

> *"The responsible authority of a law enforcement agency must establish written procedures to ensure that law enforcement personnel have access to the portable recording system data that are not public only if authorized in writing by the chief of police, sheriff, or head of the law enforcement agency, or their designee, to obtain access to the data for a legitimate, specified law enforcement purpose."*

When sharing data with other agencies, Minn. Stat. 13.825 requires in Subd. 8 (a):

> *"Portable recording system data that are not public may only be shared with or disseminated to another law enforcement agency, a government entity, or a federal agency upon meeting the standards for requesting access to data as provided in subdivision 7."*

Minn.Stat.13.825 also requires law enforcement agencies to notify the Bureau of Criminal Apprehension (BCA) within 10 days of obtaining new surveillance technology that expands the type or scope of surveillance capability of a portable recording system device beyond video or audio recording. The notification must also include a description of the technology and its surveillance capability and intended use.

When choosing a BWC vendor, the statute lists several requirements. One of the requirements is that any vendor that stores the system data in the cloud must protect the data in accordance with the security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services (CJIS) Division Security policy 5.4 or its successor version. Per Axon's website, Axon's Evidence.com system is in compliance with this requirement.

AUDIT OBJECTIVES

- To determine whether MAC complied with the regulations stated in Minn. Stat. 13.825 and Minn. Stat. 626.8473 which govern Body-Worn Cameras (BWC).

- To determine whether MAC's processes and procedures over BWC are working as intended.

AUDIT SCOPE

The scope of our audit consisted of the compliance requirements stated in Minn. Stat. 626.8473 and Minn. Stat. 13.825. Since the APD implemented BWC in February 2022, this first audit done in 2024 cover the period from February 2022 through July 2024. For this audit, we primarily focused on data between August 2024 and July 2026.

AUDIT PROCEDURES

- Reviewed the Minnesota State statutes that govern BWC.

- Obtained and reviewed MAC APD's policy regarding BWC.

- Interviewed MAC APD staff to gain an understanding of the BWC system (Evidence.com) and related processes and procedures.

- Obtained an inventory of BWCs and who they were assigned to.

- Received listings of users in Evidence.com with Admin and Super Admin access.

- Obtained signed Access to Body-Worn Camera Data Authorization forms for a sample of users as evidence that BWC users have been adequately trained and have acknowledged their receipt of the training and understanding of the regulations by signing the authorization form. I verified that these forms were also signed by the Chief of Police. The forms for 15 BWC system users were reviewed.

- Reviewed a sample of BWC data requests, which included data requests from the subjects in the videos and data requests from other law enforcement agencies or government agencies. 15 data requests were reviewed.

- Obtained data retention schedules used by the APD during the audit period, which showed the retention periods for each category of data.

- Performed a data deletion test on all BWC data that was deleted in 2024 (August – December 2024); 2025; and 2026 (through May 31, 2026) to see if any videos were deleted earlier than 90 days. Minn. Stat. 13.825 requires the data to be maintained for a minimum of 90 days.

AUDIT PROCEDURES (continued)

- For a sample of videos, obtained the audit trails out of Evidence.com to determine who accessed the videos and to determine the actions that were performed. In addition, I was able to see the date scheduled for deletion determined by the system based on the category code assigned to the video. A sample of 40 videos between August 2024 and May 2026 were reviewed.

- Obtained spreadsheets showing the APD's internal review of videos. Monthly reviews had been conducted up until September 2025 in which the reviews were then changed to quarterly.

- Reviewed information on Axon's public website showing compliance with the FBI's CJIS Division Security policy 5.4, which pertains to systems that store data in the cloud.

AUDIT CONCLUSIONS

In general, MAC complied with the regulations stated in Minn. Stat. 626.8473 and Minn. Stat. 13.825, which governs Body-Worn Cameras (BWC).

In general, MAC's processes and procedures over BWC are working as intended.

MANAGEMENT RESPONSE

Not required.