



Board of County Commissioners Agenda Request

2K
Agenda Item #

Requested Meeting Date: 7/9/2024

Title of Item: Body Worn Camera Audit Report

<input type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input checked="" type="checkbox"/> INFORMATION ONLY	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
Submitted by: Daniel Guida		Department: Sheriff's Office
Presenter (Name and Title):		Estimated Time Needed:
Summary of Issue: Aitkin County Sheriff's Office Body Worn Camera Audit has been completed. This report will be submitted to the Minnesota Commission on Data Practices and Personal Data Privacy. Please find the Body Worn Camera (BWC) Audit summary for your review.		
Alternatives, Options, Effects on Others/Comments:		
Recommended Action/Motion: Information Only		
Financial Impact: <i>Is there a cost associated with this request?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>What is the total cost, with tax and shipping? \$</i> <i>Is this budgeted?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

Legally binding agreements must have County Attorney approval prior to submission.

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Aitkin County Sheriff's Office 2024 Body-Worn Camera (BWC) Audit

Executive Summary Report

Aitkin County Sheriff's Office

June 25, 2024



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Background:

Aitkin County Sheriff's Office 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. The 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 Aitkin County Sheriff's Office provided their administrative access to the Visual Labs system during the audit to review audit criteria. Interviews and auditing of the Visual Labs system were conducted with the Aitkin County Sheriff Records Tech, Undersheriff and Sergeant.

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 Deputy that is capable of both video and audio recording of the Deputy'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 4/1/22 to 3/30/24.

Aitkin County Sheriff's Office uses the cloud-based Visual Labs video system for its BWC program. Although their Visual Labs system records both in-squad cameras as well as BWC videos, the scope of the audit focused only on BWC video data.

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Required Public Hearing:

Pursuant to Minn. Stat. § 626.8473, Subd. 2, Aitkin County Sheriff's Office allowed for public comment regarding its new BWC Program.

Community input was possible at the Aitkin County Board Meeting on April 14, 2020. Notice of the meeting was published in the Board Agenda ahead of time. The Board Agenda and Minutes of this meeting were reviewed during the audit.

Policy

Aitkin County Sheriff's Office has a BWC Policy in place entitled, "Policy 426: 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.

A copy of their BWC policy can be found on their public web site at:

<https://www.co.aitkin.mn.us/departments/sheriff/pdf-policies/portable-audio-video-recorders.pdf>

Aitkin County Sheriff's Office was compliant in this part of the statute.

Deputy use of BWC Equipment

Aitkin County Sheriff's Office "Policy 426: Portable Audio/Video Recorders" requires that Deputies wear their BWC equipment and activate it during specific instances.

Approximately 20 Random Samples of dispatch Calls for Service we compared to the Visual Labs video library to determine if they had been recording videos during those calls in accordance with their policy. In almost all cases, each Patrol Deputy appeared to be using their BWC appropriately and activating recordings as outlined in the policy section entitled, "Policy 426: Portable Audio/Video Recorders."

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Data Classification and Retention

Aitkin County Sheriff's Office 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, no Court mandated BWC data disclosures had been made.

The Aitkin County Sheriff's Office set up its data classification and retention schedule for BWC videos in the administrative settings of the Visual Labs console. BWC Data is currently 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 Deputy, or when the event triggers a formal complaint against the peace Deputy, 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, Aitkin County Sheriff's Office has set that Retention Period for these two types of incidents to "indefinite."

In addition, all 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. In all cases, the classification of the BWC Data would be set to "indefinite." There were no reported Discharge of Firearms call during this audit period.

In addition, on specific type of Calls for Service (CFS), The Aitkin County Sheriff's Office Records Staff also reviews related BWC videos to ensure they all related video have the same classification. Any modifications to the Classification are auditable in the Visual Labs audit trail. Sampled BWC data was examined for Modifications to Classification tags. In cases where Records Department made a change in the Classification, it was done to make the Classification consistent to the remaining BWC videos related to the same case. The Visual Labs audit trail indicated who and when the re-classification was made.

Aitkin County Sheriff's Office 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:

Aitkin County Sheriff's Office processes public BWC data requests using their "Data Request Form." The Records Department processes the request, and it then needs approval from the Sheriff, who is the Responsible Authority or the Undersheriff who is the Responsible Authority Designee.

The Aitkin County Sheriff's Office Records Department stated they would redact BWC Data if released to Data Subjects. They stated they had no records requests were made during the audit period.

Aitkin County Sheriff's Office was compliant with this aspect of the Statute.

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."

Aitkin County Sheriff's Office "Policy 426: Portable Audio/Video Recorders," section 426.3 (a) states:

"Deputies may use only office-issued Portable Audio/Video Recorder's in the performance of official duties for this agency or when otherwise performing authorized law enforcement services as an employee of the Aitkin County Sheriff's Office."

Aitkin County Sheriff's Office was compliant with this aspect of the Statute.

Authorization to Access Data:

Aitkin County Sheriff's Office allows its Deputies to review non-public BWC data for legitimate, specified law enforcement purposes. Access is enforced using user accounts and roles/rights in the Visual Labs system.

BWC Data was sampled and audited across the audit period, on parts of six different dates. Results of sampling the BWC Data and its related audit trail in the Visual Labs system showed that it was either not viewed at all or by the Records Department.

All views and access were consistent with Aitkin County Sheriff's Office "Policy 426: Portable Audio/Video Recorders" and Minn. Stat. § 13.825 Subd. 7, as authorized by the Sheriff.

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Sharing Among Agencies:

Aitkin County Sheriff's Office 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.

Aitkin County Sheriff's Office processes BWC data requests by other Agencies and is approved by a Sheriff. The justifications are documented in the Visual Labs system when accessing the data, and require an additional authentication process.

The request for BWC footage requires that they have a legitimate, specified law enforcement purpose, as required by Minn. Stat. § 13.825, Subd. 7.

Aitkin County Sheriff's Office was compliant with these aspects of the Statute.

Biennial Audits:

Aitkin County Sheriff's Office has acknowledged that it intends to continue completing biennial audits of its BWC System, as required by Minn. Stat. § 13.825, Subd. 9. This was their second audit. Aitkin County Sheriff's Office was compliant with these aspects of the Statute.

BWC System Vendors:

At the time of the audit, Visual Labs was the primary vendor and system for their BWC program. BWC videos were recorded, classified, and stored in Visual Labs cloud-based system.

Because Visual Labs BWC is a cloud-based solution, it is subject to the requirements of Minn. Stat. § 13.825, Subd. 11 (b), which requires Visual Labs to follow the requirements of the FBI's CJIS Policy 5.9.4 and subsequent versions.

Visual Labs has completed the Minnesota BCA Vendor Screening Program for CJIS conformity. We verified this with the most recent listing dated 5/24/2024. Visual Labs, Inc. is listed as approved for Screened Vendors & Products, until 4/5/2027.

Aitkin County Sheriff's Office was compliant with this aspect of the Statute.

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Conclusion:

Based on the results of the Aitkin County Sheriff's Office BWC Audit conducted by Minnesota Security Consortium, we can demonstrate that they are using the Visual Labs 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:

- Aitkin County Sheriff
- Aitkin County Commissioners
- Legislative Commission on Data Practices and Personal Data Privacy
- Required Legislative members as specified by Statute