

City of Austin



**A Report to the
Austin City Council**

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**Office of the
City Auditor**

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AUDIT REPORT

Public Safety Camera System Audit

February 2013



REPORT SUMMARY

Austin Police Department's operations of the Public Safety Camera System is generally in compliance with its policies and procedures, including footage retention and training requirements. However, APD has yet to establish the oversight board that was designed to assess the overall effectiveness of the PSCS and monitor compliance of PSCS operations. Furthermore, PSCS policies and procedures are generally aligned with best practices, with some exceptions related to PSCS data security.

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GOVERNMENT AUDITING STANDARDS COMPLIANCE

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

AUDIT TEAM

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February 2013



Audit Report Highlights

Why We Did This Audit

This audit was conducted as part of the Office of the City Auditor's (OCA) Fiscal Year (FY) 2013 Strategic Audit Plan.

What We Recommend

The Chief of the Austin Police Department (APD) should ensure that an oversight board for the Public Safety Camera System (PSCS) is convened and carries out the duties and responsibilities laid out in the PSCS policy and that data security findings are addressed.



For more information on this or any of our reports, email oca_auditor@austintexas.gov

PUBLIC SAFETY CAMERA SYSTEM AUDIT

Mayor and Council,

I am pleased to present this audit on the Austin Police Department (APD) Public Safety Camera System (PSCS).

BACKGROUND

The purpose of the PSCS is to aid APD in identifying, deterring, detecting, and capturing video evidence for investigating crime in the downtown district and other areas of the city. APD has installed a total of 31 cameras since July 2011.

OBJECTIVES AND SCOPE

The objectives of the audit were to evaluate APD compliance with policies and procedures related to the PSCS, and to determine whether policies and procedures are consistent with best practices. The audit scope included a review of the implementation of the policies and procedures from July 2011 through January 2013.

WHAT WE FOUND

Our audit found that APD's operation of the PSCS is generally in compliance with its policies and procedures, including footage retention and training requirements. However, APD has not yet established the PSCS oversight board, which was designed to provide monitoring and oversight over the PSCS, including assessing the overall effectiveness of the PSCS and monitor compliance of PSCS operations.

Furthermore, PSCS policies and procedures are generally aligned with best practices, with some exceptions related to PSCS data security, and are on par with peer cities surveyed. Per Local Government Code §551.076 – Security Audits, the details of the finding related to security are confidential.

We issued two recommendations to address weaknesses identified during the course of the audit.

We appreciate the cooperation and assistance we received from APD staff during this audit.

Kenneth J. Mory, City Auditor

BACKGROUND

The Austin Police Department (APD) implemented its Public Safety Camera System (PSCS) in July 2011 by installing four cameras in the Rundberg area and later expanded the program by installing 27 additional cameras in the downtown business district. The purpose of PSCS is to aid APD in identifying, deterring, detecting, and capturing video evidence for investigating crime in the downtown business district and other areas of the city. The public safety camera monitoring is done at the Real Time Crime Center (RTCC), which is operational 24/7 and is staffed with a minimum of one Watch Lieutenant at all times.

OBJECTIVES, SCOPE, AND METHODOLOGY

The APD Public Safety Camera System Audit was conducted as part of the Office of City Auditor's Fiscal Year 2013 Strategic Audit Plan, as presented to the City Council Audit and Finance Committee.

Objectives

The objectives of the audit were to evaluate APD compliance with policies and procedures related to the PSCS, and to determine whether policies and procedures are consistent with best practices.

Scope

The audit included a review of the implementation of the policies and procedures from July 2011 through January 2013.

Methodology

To accomplish our audit objectives, we performed the following steps:

- Conducted interviews with APD officers and staff associated with operation of the PSCS.
- Observed actual PSCS monitoring at the RTCC.
- Conducted a walk-through of the PSCS related to footage recording, storing, copying, release, and disposal.
- Surveyed four peer cities (San Francisco, Seattle, Denver, and Houston) for best practices related to public safety cameras.
- Reviewed and compared APD policies and procedures associated with the public safety camera to the *Best Practices for Government Use of CCTV: Implementing the Fair Information Practice Principles* issued by the Department of Homeland Security and to the Federal Information Systems Control Audit Manual.
- Reviewed recordings of relevant Public Safety Commission meetings.
- Judgmentally selected and tested for compliance with PSCS retention and release policies seven records for evidential purpose and five records for non-evidential purpose out of a total of 300 records.
- Considered the risk of fraud, waste, or abuse significant to the audit objectives.
- Considered the reliability of information systems significant to the audit objectives.

AUDIT RESULTS

APD's operation of the PSCS is generally in compliance with its policies and procedures, including footage retention and training requirements. However, APD has yet to establish the oversight board that was designed to assess the overall effectiveness of the PSCS and monitor compliance of PSCS operations. Furthermore, PSCS policies and procedures are generally aligned with best practices, with some exceptions related to PSCS data security, and are on par with peer cities surveyed.

Finding 1: APD's operation of PSCS is generally in compliance with its policies and procedures, but APD has yet to fully establish the monitoring and oversight structure over the PSCS, which APD committed to prior to implementing the program.

APD has developed specific policies and procedures to operate the PSCS, which have been incorporated in both the APD Policy Manual and partially in the RTCC Operations Manual. These policies and procedures articulate requirements related to PSCS operations, monitoring, and oversight. Based on our review, and as shown in Exhibit 1, APD is generally complying with PSCS operational policies, including retention and training requirements. However, APD has not established the Public Safety Camera Advisory Board (PSCAB), the entity designated with monitoring and oversight of the PSCS.

**EXHIBIT 1
APD Compliance with PSCS Policies**

Policy Description	Auditor's Conclusion on Compliance Status
<u>Purpose and Scope</u> – Assist APD in identifying, preventing, deterring, and providing video evidence to support prosecution	<u>In compliance:</u> PSCS was observed to be overall operating within its purpose and scope
<u>Public Safety Camera System Operation</u> (a) PSCS information to be used for lawful enforcement purpose (b) Only personnel specifically trained in the operation of the PSCS will be allowed to use the camera system (c) All designated PSCS operating officers and supervisors shall receive the required training (d) Temporary Mobile Camera Guidelines in case temporary use of one or more cameras are warranted	<u>In compliance:</u> (a) PSCS staff was observed performing this requirement (b) No training records are available, but based on our observations and APD assertion, PSCS personnel is trained (c) No training records are available, but based on our observations and APD assertion, PSCS personnel is trained (d) N/A, as this requirement is associated with future PSCS expansion
<u>Public Safety Camera Advisory Board (PSCAB)</u> (a) The Board is comprised of the Strategic Intelligence Commander, City of Austin Attorney, Designated Patrol Commanders and Crime Data Advisor (APD Crime Analysis) (b) Board Duties and Responsibilities, which are to assess PSCS performance effectiveness, review training program, verify compliance	<u>Not in compliance:</u> (a) APD has yet to convene the PSCAB (b) APD has yet to convene the PSCAB

Policy Description	Auditor's Conclusion on Compliance Status
with retention rules, ensure compliance audits are conducted	
<u>Board Duties and Responsibilities</u> Tasked to provide review and oversight over PSCS operations	<u>Not in compliance:</u> APD has yet to convene the PSCAB
<u>Strategic Intelligence Division Commander ensures:</u> <ol style="list-style-type: none"> 1. Historical log documenting location and placement for each camera 2. Placement/Relocation of camera is monitored 3. Meetings with the PSCAB 4. Maintenance program in place 	<u>Partial compliance :</u> APD has a Strategic Intelligence Division Commander <ol style="list-style-type: none"> 1. Yes, APD has historical log for each camera 2. Yes, camera placement is monitored 3. No meeting yet with the PSCAB 4. No maintenance program is in place and vendor's contract expired in December 2011
<u>Commander Responsibilities</u> Providing appropriate time for citizens input on camera placement proposals	<u>In compliance:</u> APD obtained input relating to location, crime and privacy concerns from various stakeholder groups
<u>Public Safety Camera Placement</u> Public safety cameras will be placed in location pursuant to the recommendation of the PSCAB	<u>Not in compliance:</u> APD has yet to convene the PSCAB
<u>Retention</u> Retention of recorded images by the PSCS shall be no longer than 10 days	<u>In compliance:</u> Images recorded by the PSCS are automatically deleted by the system within seven days
<u>Review and Release of Camera Images and Information</u> Images and information obtained from the PSCS shall be handled in accordance with department policies and procedures, laws and regulations	<u>In compliance:</u> Images and information handled in accordance with department policies and procedures, and applicable law and regulations
<u>Performance Measures</u> <ol style="list-style-type: none"> (a) Camera Placement quarterly report to PSCAB (b) Updates to the Public Safety Commission 	<u>Partial compliance:</u> <ol style="list-style-type: none"> (a) No, APD has yet to convene the PSCAB (b) Yes, updates done via regional reporting
<u>Audit Requirements</u> <ol style="list-style-type: none"> (a) APD Inspection Unit conduct quarterly compliance audit (b) Office of the City Auditor (OCA) will perform random audits 	<u>Partial compliance:</u> <ol style="list-style-type: none"> (a) APD Inspection Unit has yet to conduct quarterly compliance audit (b) OCA has initiated an audit in 2012

Policy Description	Auditor's Conclusion on Compliance Status
<u>RTCC Operations Manual</u> (a) Footage Incident Tracking (b) DVD Evidence from PSCS Cameras (c) DVD Non-Evidentiary from PSCS Cameras	<u>In compliance:</u> (a) Video Tracking logs are used to track footage request, copied and released (b) DVD footage used as evidence follow the evidence protocol (c) DVD footage for non-evidentiary use is also logged in the video tracking log

SOURCE: Austin Police Department Policy 616: Public Safety Camera System; RTCC Operations Manual; and OCA analysis of APD practices, December 2012 – January 2013

According to APD's policies, the PSCAB should include PSCS management, patrols commanders, crime data advisor, and a representative from the Law Department, and its responsibilities should include:

- analyzing the effectiveness of camera placement/relocation,
- ensuring that audits requirements are complied with (including quarterly random audits by APD's Inspections Unit and random audits by the Office of the City Auditor),
- reviewing the training program and making recommendations to the Chief of Police as needed, and
- preparing an annual report to the Chief of Police related to the overall system performance.

APD management indicated that the PSCAB has never been convened, and that its responsibilities have not been formally reassigned. As a result of the PSCAB not being convened, limited ongoing monitoring has been performed. APD's Inspection Unit has not performed quarterly random audits of PSCS operations, the training program has not been reviewed, and no one has been officially designated responsible for the training needs of the PSCS personnel. Further, no formal assessment on the effectiveness of the PSCS program has been performed.

It should be noted that when the PSCS program was being discussed prior to its implementation, APD management in discussion with the Public Safety Commission portrayed the Public Safety Camera Advisory Board as the primary monitoring and oversight structure for the PSCS. Without ongoing monitoring, APD may not be able to ensure that the PSCS is operating in accordance with its policies and procedures, and may not be able to identify, in a timely manner, possible issues that need to be addressed. Furthermore, APD management has yet to establish clear performance metrics that would allow the public and oversight bodies to articulate whether the existing PSCS is effective enough to warrant further expansion and increased expenditure, or hold decision-makers accountable if there is a failure of the system to achieve its intended purpose. This type of information is particularly relevant as APD management has indicated that they are planning to expand the program.

Finding 2: With the exceptions of the Security and Use Limitation Principles, APD's PSCS policies are generally aligned with best practices and on par with the four peer cities surveyed.

We compared APD's PSCS policies to industry best practices issued by the Department of Homeland Security. These best practices are based on a framework of eight widely-accepted principles known as the Fair Information Practice Principles (FIPPs), which are also at the core of the Privacy Act of

1974 [5 U.S.C. § 552a] and are mirrored in the laws of many U.S. A. states and foreign nations. Based on our assessment (as shown in Exhibit 2), APD policies and procedures are generally aligned with six of these eight principles.

EXHIBIT 2
Comparison of APD’s PSCS Policies to FIPP Best Practices

FIPP Principles	Auditor Conclusion
1. <u>Purpose Specification</u> : Intended purpose of the camera system is articulated	The system objectives are clearly stated
2. <u>Transparency</u> : Should have a written policy governing the collection, use, maintenance, and disclosure of all footage or images	APD has a written crime camera policy, which covers the purpose, operation, and governance of the camera system
3. <u>Participation</u> : Involve public in decision to use cameras and provide notice in areas where cameras are used	APD’s policy provides for a forum for citizens’ input on camera placement proposals APD’s policy requires clear signs on all camera locations
4. <u>Data Minimization</u> : Only use cameras to the extent necessary to fulfill purpose. Establish a records retention schedule	APD’s policy establishes that retention of camera footage should not exceed 10 days
5. <u>Accountability and Auditing</u> : There should be periodic, independent audits conducted by professional boards or outside government agencies	APD’s policy requires establishment of an independent oversight body to assess PSCS operations, quarterly audits to be performed by APD’s Inspections Unit as well as random audits by the Office of the City Auditor
6. <u>Data Quality and Integrity</u> : Ensure footage is accurate, relevant, timely, and complete	APD’s PSCS has authenticated footage reproduction with metadata (date, time, and location of the footage) embedded
7. <u>Security</u> : Protect the system through appropriate systems and physical access, oversight, and training	Not aligned with best practices
8. <u>Use Limitation</u> : Camera use should be solely for the purpose specified in notice to public Release of footage should only occur upon written request through designated chain of command	Not aligned with best practices regarding release upon written authorization request

SOURCE: FIPP – Fair Information Practice Principles and OCA analysis of APD policies, December 2012 – January 2013.

Furthermore, we compared APD policies and procedures to those of four peer cities (San Francisco, Seattle, Denver, and Houston) and concluded that APD's PSCS policies are on par or better than the peer cities we surveyed (refer to Appendix B for comparison details).

RECOMMENDATIONS

The recommendations listed below are a result of our audit effort and subject to the limitation of our scope of work. We believe that these recommendations provide reasonable approaches to help resolve the issues identified. We also believe that operational management is in a unique position to best understand their operations and may be able to identify more efficient and effective approaches and we encourage them to do so when providing their response to our recommendations. As such, we strongly recommend the following:

1. **The Chief of the Austin Police Department should ensure that an oversight body for the PSCS is convened and that such body performs the monitoring duties and responsibilities included in the PSCS policy, including, but not limited to:**
 - **analyzing the effectiveness of camera placement/relocation,**
 - **ensuring compliance with audit requirements,**
 - **reviewing training programs and make recommendations to the Chief of Police as needed, and**
 - **preparing annual reports to the Chief of Police related to the overall system performance.**

MANAGEMENT RESPONSE: **Concur.** Refer to Appendix A for management response and action plan.

MANAGEMENT RESPONSE



MEMORANDUM

Austin Police Department
Office of the Chief of Police

TO: Ken Mory, *City Auditor*
FROM: Art Acevedo, *Chief of Police*
DATE: February 21, 2013
SUBJECT: Management Response to Public Safety Camera System Audit

Attached is the Austin Police Department response to the recommendations contained in the Public Safety Camera System Audit Report received by my office on February 14, 2013. We would like to thank you for conducting this Audit at our request and appreciate the opportunity to receive feedback on the camera system.

The Austin Police Department concurs with most of the findings in the report as well as the recommendation to ensure the Public Safety Camera Advisory Board is convened to assume the duties and responsibilities outlined in Austin Police Department Policy 616: Public Safety Camera System. The Commander over the Strategic Intelligence Division, Chris McIlvain, will chair the committee and has identified the personnel who will be assigned to sit on the committee.

In response to the section of Exhibit 1 titled, "Audit Requirements", the Austin Police Department Inspection Unit has scheduled an inspection of the Real Time Crime Center/Public Safety Camera System on February 28. The Risk Management Section will work to ensure these inspections are conducted quarterly per Austin Police Department Policy 616.

In response to the section of Exhibit 1 titled, "Strategic Intelligence Division Commander" which states that the commander will ensure a maintenance program is in place, the finding that there is no maintenance program in place due to the vendor's contract expiring in December 2011 is not entirely correct. The original purchase contract for the camera system did expire in December 2011 but the maintenance contract is currently good through March 2013 with agreements built in for annual renewal for up to five (5) years. The Austin Police Department has identified grant funds to pay for renewal of the current maintenance contract. The Communications and Technology Management (CTM) project manager will issue payment before the expiration of the current maintenance agreement.

ACTION PLAN

Public Safety Camera System Audit

Recommendation	Concurrence and Proposed Strategies for Implementation	Status of Strategies	Proposed Implementation Date
<p>1. The Chief of the Austin Police Department should ensure that an oversight body for the PSCS is convened and that such body performs the monitoring duties and responsibilities included in the PSCS policy, including, but not limited to:</p> <ul style="list-style-type: none"> ▪ analyzing the effectiveness of camera placement/relocation, ▪ ensuring compliance with audit requirements, ▪ reviewing training programs and make recommendations to the Chief of Police as needed, and ▪ preparing annual reports to the Chief of Police related to the overall system performance. 	<p>CONCUR</p> <p>The Strategic Intelligence Division Commander, Chris McIlvain, will assume the role of Chairperson over this board. Cmdr. McIlvain has identified the personnel who will comprise the remaining members of the board. They include Shelia Hargis (APD Crime Analyst Supervisor), an Assistant City Attorney (TBD), and the following Patrol Commanders – Cmdr. Jason Dusterhoft (DTAC), Cmdr. John Romoser (Region 1), Cmdr. Mark Spangler (Region 2), Cmdr. Fred Fletcher (Region 3) and Comdr. Todd Gage (Region 4).</p> <p>Cmdr. McIlvain will establish the initial agenda and convene the board to meet within the next 60 days.</p>	<p>UNDERWAY</p>	<p>APRIL 22, 2013</p>

APPENDIX B

APD PSCS Policies Compared to Peer City Policies

Policy Category	Peer Cities Best Practice	Auditor Conclusion on APD Policies
Audit Requirements	Generic program evaluations requirement, but does not specify who performs (Denver)	<u>Better</u> Quarterly audits by the Police Inspections Unit and random audits by OCA
Retention Period	Between 14 (Seattle, San Francisco) and 30 days (Denver)	<u>Better</u> Retention period only 10 days
Training	Training for everyone prior to accessing the camera system	<u>On Par</u> Training for all personnel prior to accessing the camera system
Performance Measures	Include crime statistics before and after camera installation and how often video footage was requested	<u>On Par</u> Data indicating disruption of crime patterns and usage of footage in prosecutions
Access to Video	Access to the live camera feeds and video footage limited. (Seattle, Denver, Houston, and San Francisco)	<u>On Par</u> Explicitly limit access to law enforcement personnel and use
Camera Placement	Three cities (Houston, Denver, & San Francisco) evaluate area chosen as a potential camera sight. Houston & San Francisco allow residents of the area to request cameras in neighborhoods	<u>Better</u> Requires recommendation from the Camera Advisory Board, public input and approval by the Police Chief, and provides for 72 hour public notice
Oversight	All three cities (except Houston) delegate oversight to a government agency or special board	<u>On Par</u> Oversight delegated to the Camera Advisory Board
Requests for Footage	Denver had time limits, but did not address how to request the footage; San Francisco requires written request from Inspector level or higher, but did not outline a timeframe; Houston's policy does not address this requirement	<u>On Par</u> APD does not require written requests, but requires the Watch Lieutenant to direct and monitor footage requests via video tracking log
Use Limitation	Seattle's policy states that the information is to be retained by the department managing it. The three others cities (Denver, Houston, and San Francisco) state that the cameras were intended for law enforcement purposes only	<u>On Par</u> Information obtained through the public safety camera shall only be used for legitimate law enforcement purposes

SOURCE: OCA analysis and survey of best practices from peer cities, December 2012 – January 2013.