

## INDEPENDENT AUDIT REPORT

Chief Kenneth Washington  
Leech Lake Tribal Police Department  
200 Sailstar Dr., Box 187  
Cass Lake, MN 56633

Dear Chief Washington:

An independent audit of the Leech Lake Tribal Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on March 31, 2021. The objective of the audit was to verify Leech Lake Tribal Police Department's compliance with Minnesota Statutes §§13.825 and 626.8473.

Data elements the audit includes:

Minnesota Statute §13.825

- Data Classification
- Retention of Data
- Access by Data Subjects
- Inventory of Portable Recording System Technology
- Use of Agency-Issued Portable Recording Systems
- Authorization to Access Data
- Sharing Among Agencies

Minnesota Statute §626.8473

- Public Comment
- Body-worn Camera Policy

The Leech Lake Tribal Police Department is located in Cass County and employs twenty-nine (29) peace officers. The Leech Lake Tribal Police Department utilizes WatchGuard Vista BWCs. BWC data is stored on a local file server. The audit covers the time period April 1, 2017, through March 15, 2021.

### **Audit Requirement: Data Classification**

*Determine that the data collected by BWCs are appropriately classified.*

Leech Lake Tribal Police Department BWC data is presumptively private. All data collected during the time period April 1, 2017, through March 15, 2021, is classified as private or non-public data. The Leech Lake Tribal Police Department had no incidents of the discharge of a firearm by a peace officer, use of force that resulted in substantial bodily harm, requests from data subjects for the data to be made accessible to the public, or court orders directing the agency to release the BWC data to the public.

*No discrepancies noted.*

### **Audit Requirement: Retention of Data**

*Determine that the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.*

The Leech Lake Tribal Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in WatchGuard Vista. At the conclusion of a BWC recording, a WatchGuard category type is assigned. Each WatchGuard category has an associated retention period. Upon reaching the retention date, data is systematically deleted.

Randomly selected records from a server Purged Vista Events Report were verified against the record purge date and records with categories of "Test" and "Unknown" were maintained for less than the minimum ninety (90) days required by statute. Randomly selected records from other categories were maintained for the minimum ninety (90) required by statute. Records selected were from the time period April 1, 2017, through March 15, 2021.

Active BWC data is accessible in the WatchGuard Evidence Library. The server maintains a log of all active and deleted BWC data with associated meta data. The Leech Lake Tribal Police Department has received no requests from data subjects to retain BWC data beyond the applicable retention period.

The Crime Data Analyst and the Records Technician monitor BWC data for proper categorization to ensure BWC data are appropriately retained and destroyed.

*Discrepancy noted.*

### **Audit Requirement: Access by Data Subjects**

*Determine if individuals who are the subject of collected data have access to the data, and if the data subject requests a copy of the data, other individuals who do not consent to its release must be redacted.*

BWC data is available to data subjects and access may be requested by submission of a Data Request Form. During the time period April 1, 2017, through March 15, 2021, the Leech Lake Tribal Police Department had received no requests to view, but did fulfill requests for copies of, BWC data from data subjects. Data subjects who did not consent to the release of data were redacted.

*No discrepancies noted.*

### **Audit Requirement: Inventory of Portable Recording System Technology**

*Determine the total number of recording devices owned and maintained by the agency; a daily record of the total number of recording devices actually deployed and used by officers, the policies and procedures for use of portable recording systems by required by section 626.8473; and the total amount of recorded audio and video collected by the portable recording system and maintained by the agency, the agency's retention schedule for the data, the agency's procedures*

*for destruction of the data, and that the data are available to the public.*

Leech Lake Tribal Police Department's BWC inventory consists of thirty-one (31) devices. Device inventory is maintained in an Excel spreadsheet. Devices are assigned to individual officers.

The Leech Lake Tribal Police Department has established and enforces a BWC policy that governs the use of portable recording systems by peace officers while in the performance of their duties. The Leech Lake Tribal Police Department's BWC policy requires officers to conduct function tests to ensure the BWC is functioning properly and to report any malfunction to a supervisor as soon as reasonably possible. Peace officers were trained on the use of the BWC system and the policy during implementation. New officers are trained as part of their field training program.

A review of BWC videos created per officer and a comparison of the total number of videos created to calls for service for the audit period confirmed that recording devices are being deployed and activated by officers.

The total amount of active data is accessible in the WatchGuard Evidence Library. The total amount of active and deleted data is documented in the server Active and Purged Vista Events Report.

The Leech Lake Tribal Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention in WatchGuard. BWC video is fully deleted from the server upon purge. Meta data information is maintained on the server log. BWC data is available upon submission of a Data Request Form.

*No discrepancies noted.*

#### **Audit Requirement: Use of Agency-Issued Portable Recording Systems**

*Determine if peace officers are only allowed to use portable recording systems issued and maintained by the officer's agency.*

The Leech Lake Tribal Police Department's BWC policy states that officers may use only department-issued BWCs in the performance of official duties for the agency or when otherwise performing authorized law enforcement services as an employee of the department.

*No discrepancies noted.*

#### **Audit Requirement: Authorization to Access Data**

*Determine if the agency complies with sections 13.05, Subd. 5, and 13.055 in the operation of portable recording systems and in maintaining portable recording system data.*

Sergeants conduct monthly random reviews of BWC videos to ensure compliance with policy. Review results are documented and provided to command level supervisors.

User access to BWC data is managed by the assignment of group roles and permissions in WatchGuard. Permissions are based on staff work assignments. Access to WatchGuard Evidence Library is password protected. The agency's BWC policy governs access to and sharing of data. Access to data is captured in the audit log.

When BWC data is deleted from WatchGuard, its contents cannot be determined.

The Leech Lake Tribal Police Department has had no security breaches. A BCA CJIS security audit was conducted in November of 2020.

*No discrepancies noted.*

### **Audit Requirement: Sharing Among Agencies**

*Determine if non-public BWC data is shared with other law enforcement agencies, government entities, or federal agencies.*

The Leech Lake Tribal Police Department's BWC policy allows for the sharing of data with other law enforcement agencies, prosecutors, courts and other criminal justice entities as provided by law. The Leech Lake Tribal Police Department requires a written request from law enforcement agencies seeking access to BWC data. Written requests are maintained in the case report.

*No discrepancies noted.*

### **Audit Requirement: Biennial Audit**

*Determine if the agency maintains records showing the date and time the portable recording system data were collected, the applicable classification of the data, how the data are used, and whether data are destroyed as required.*

The WatchGuard Evidence Library and the server Active and Purged Events Reports document the date and time portable recording system data was collected, the retention period of the data, and the audit log associated to the data. The WatchGuard audit log, the iCrimefighter software, and the case report document how the data are used and shared.

*No discrepancies noted.*

### **Audit Requirement: Portable Recording System Vendor**

*Determine if portable recording system data stored in the cloud, is stored in accordance with security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services Division Security Policy 5.4 or its successor version.*

Leech Lake Tribal Police Department's BWC data is stored on a local file server. The server is

located in a secure area with limited access. The server is password protected.

*No discrepancies noted.*

### **Audit Requirement: Public Comment**

*Determine if the law enforcement agency provided an opportunity for public comment before it purchased or implemented a portable recording system and if the governing body with jurisdiction over the budget of the law enforcement agency provided an opportunity for public comment at a regularly scheduled meeting.*

The Leech Lake Tribal Police Department solicited for public comment and the Leech Lake Reservation Tribal Council held a public hearing to allow for public comment.

*No discrepancies noted.*

### **Audit Requirement: Body-worn Camera Policy**

*Determine if a written policy governing the use of portable recording systems has been established and is enforced.*

The Leech Lake Tribal Police Department's BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy includes all of the minimum requirements of Minn. Stat. § 626.8473, Subd. 3 with the exception of Minn. Stat. § 626.8473, Subd. 3 (b) (8), employee discipline standards for unauthorized access to data.

*Discrepancy noted.*

This report was prepared exclusively for the Leech Lake Reservation Tribal Council and the Leech Lake Tribal Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: February 5, 2022

Lynn Lembcke Consulting



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Lynn Lembcke