

# INDEPENDENT AUDIT REPORT

Sheriff Eric Wallen  
Lyon County Sheriff's Office  
611 W. Main St.  
Marshall, MN 56258

Dear Sheriff Wallen:

An independent audit of the Lyon County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on February 17, 2023. The objective of the audit was to verify Lyon County Sheriff's Office 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 Lyon County Sheriff's Office employs seventeen (17) peace officers and utilizes WatchGuard body-worn cameras and Evidence Library evidence management software. BWC data is stored on a local file server. The audit covers the time period January 1, 2021, through January 31, 2023.

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

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

All BWC data collected by the Lyon County Sheriff's Office during the audit period, is classified as private or non-public data. The Lyon County Sheriff's Office had no instances of the discharge of a firearm by a peace officer in the course of duty, use of force by a peace officer 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 if the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.*

The Lyon County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention periods in WatchGuard. At the conclusion of a BWC recording, deputies assigns a WatchGuard category. Each WatchGuard category type has an associated one-year retention period. Upon reaching the retention date, data is systematically deleted. BWC data maintained as evidence is saved on a separate server for seven (7) years.

Server log reports were produced for BWC data collected and deleted during the audit period. The create date of randomly selected records from the purged report were verified against the record purge date. All randomly selected records were maintained in accordance with the record retention schedule and for at least the minimum ninety (90) days required by statute.

Active BWC data is accessible in the WatchGuard Evidence Library. Deleted BWC video, meta data, and audit logs are not accessible in the WatchGuard Evidence Library. The server log maintains a listing of all active and deleted BWC data.

The Lyon County Sheriff's Office had received no requests from data subjects to retain BWC data beyond the applicable retention period.

*No discrepancies 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 Lyon County Sheriff's Office Data Request Form. During the audit period, the Lyon County Sheriff's Office had received neither requests to view nor requests for copies of BWC data from data subjects.

*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.*

Lyon County Sheriff's Office's BWC inventory consists of sixteen (16) devices. Device inventory is maintained in an Excel spreadsheet.

The Lyon County Sheriff's Office BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The policy requires deputies to ensure the recorder is in good working order. Deputies noting a malfunction during testing or at any other time must report the malfunction to his/her supervisor.

Deputies were trained on the use of the BWC system by online videos during implementation. New deputies are trained as part of their field training program.

The Lyon County Sheriff's Office maintains an Excel spreadsheet documenting the daily number of BWCs deployed. Randomly selected dates from the patrol schedule and randomly selected calls for service were verified against the active and deleted server log reports and confirmed that deputies are wearing and activating their BWCs. A review of the total number of BWC videos created per quarter and a comparison to calls for service shows a consistent collection of BWC data. The total amount of active and deleted data is documented in the server Active and Purged Events Reports.

The Lyon County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention in WatchGuard. BWC video is fully deleted from the local file server upon reaching the one-year retention period. BWC data maintained as evidence is saved on a separate server for seven (7) years. Meta data and audit trail information are maintained on the server. BWC data is available upon request, and access may be requested by submission of a Lyon County Sheriff's Office 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 Lyon County Sheriff's Office BWC policy states that deputies are prohibited from using personally owned recording devices while on duty without the express consent of the Sergeant.

*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.*

The Deputy Chief conducts random reviews of BWC data to ensure compliance with policy.

Nonpublic BWC data is only available to persons whose work assignment reasonably requires access to the data. User access to BWC data is managed by the assignment of roles and permissions in WatchGuard. Permissions are based on staff work assignments and are managed by the Chief Deputy. Access to WatchGuard Evidence Library is password protected.

The agency's BWC policy governs access to BWC data. Agency personnel may access BWC data pursuant to lawful process and in compliance with the Minnesota Data Practices Act. Any member who accesses or releases BWC data without authorization may be subject to discipline. Access to BWC data is captured in the audit log.

When BWC data is deleted from WatchGuard, its contents cannot be determined. The Lyon County Sheriff's Office has had no security breaches, and a BCA CJIS security audit was conducted in June of 2021.

*No discrepancies noted.*

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

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

The Lyon County Sheriff's Office BWC policy allows for the sharing of data with other governmental entities and agencies. Agencies seeking access to BWC data submit a written request. Written request forms are maintained in a file.

*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 log reports document the date and time portable recording system data was collected and destroyed. The audit logs and data request forms document how the data are used.

*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.*

Lyon County Sheriff's Office BWC data is stored on a local file server. The server is located in a secure area with access restricted to IT personnel. Access to 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 Lyon County Sheriff's Office solicited for public comment by press release and on social media. The Lyon County Board of Commissioners held a public hearing at their November 3, 2020, County Board Meeting.

*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 Lyon County Sheriff's Office established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3. The BWC policy is posted on the agency's website.

*No discrepancies noted.*

This report was prepared exclusively for the Lyon County Sheriff's Office by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: March 20, 2023

Lynn Lembcke Consulting

*Lynn Lembcke*

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Lynn Lembcke