

INDEPENDENT AUDIT REPORT

Sheriff Jared Bergeman
Watonwan County Sheriff's Office
715 Third Ave. S.
St. James, MN 56081

Dear Sheriff Bergeman:

An independent audit of the Watonwan County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on October 3, 2023. The objective of the audit was to verify Watonwan 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 Watonwan County Sheriff's Office employs nine (9) peace officers. The Watonwan County Sheriff's Office utilizes WatchGuard body-worn cameras and Evidence Library software. BWC data is stored on a local file server. The audit covers the time period November 10, 2021, through September 15, 2023.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Watonwan County Sheriff's Office BWC data is presumptively private. All BWC data collected during the audit period is classified as private or non-public data. The Watonwan 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 Watonwan 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, a WatchGuard category type is assigned. Each WatchGuard category type has an associated retention period. Upon reaching the retention date, data is systematically deleted.

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

Active BWC data is accessible in the WatchGuard Evidence Library. The server event log maintains a listing of all active and deleted BWC data with associated meta data.

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

The chief deputy and investigator monitor BWC data for proper categorization to ensure BWC data are appropriately retained and destroyed.

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 data request form. During the audit period, the Watonwan County Sheriff's Office had received no requests to view BWC data but did receive and fulfill requests for copies of BWC video from data subjects. Data subjects who had not consented to the release of the data were redacted. Data requests are documented in the records management system case notes and the data request form is scanned into the case file.

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.

Watonwan County Sheriff's Office BWC inventory consists of ten (10) devices. Device inventory is maintained WatchGuard Evidence Library.

The Watonwan 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 officers to ensure their BWC is in good working order and to promptly report any failures to their supervisor and obtain a function device as soon as reasonably practicable. The policy requires officer to wear the recorder in a conspicuous manner at or above the mid-line of the waist and notify persons that they are being recorded, whenever reasonably practicable. Peace officers were trained on the use of BWCs during implementation. Newly hired officers are trained as part of their field training program.

Officers working on randomly selected dates, and randomly selected calls for service, were verified against the event log reports and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs. A comparison between the total number of BWC videos created per quarter and total calls for shows a consistent collection of BWC data.

The total amount of active BWC data is accessible in the WatchGuard Evidence Library. Total amount of active and deleted data is detailed in the server event log reports.

The Watonwan County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention in WatchGuard. BWC video is fully deleted upon reaching the scheduled deletion date. Meta data is maintained on the server log. BWC data is available upon request, and access may be requested by 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 Watonwan County Sheriff's Office BWC policy states that members are prohibited from using personally owned recording devices while on-duty without the express consent of the Senior Deputy.

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 chief deputy and investigator conduct reviews of BWC data to ensure proper labeling and that BWCs are being used in compliance with policy.

Nonpublic BWC data is only available to persons who work assignment reasonably requires access to the data. User access to BWC data is managed by the assignment of group roles and permissions in WatchGuard. Permissions are based on staff work assignments. Roles and permissions are administered by IT under the direction of the Sheriff's Office. Access to WatchGuard Evidence Library is password protected and requires dual authentication.

The BWC policy governs access to BWC data. The BWC policy states that unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. § 13.09. Access to data is captured in the audit log.

When BWC data is deleted, its contents cannot be determined. The Watonwan County Sheriff's Office has had no security breaches. A BCA CJIS Security Audit was conducted in September of 2023.

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 Watonwan County Sheriff's Office BWC policy prohibits dissemination of BWC data outside the agency except to the extent permitted or required under the Minnesota Government Data Practices Act, Peace Officer Disciplinary Procedures Act, or other applicable law. Sharing of data is documented in the records management system case notes.

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 event reports document the date and time portable recording system data was collected and deleted. All BWC data collected during the audit period is classified as private or nonpublic data. The WatchGuard Cloud Share report, the audit log, and the records management system case notes 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.

Watonwan County Sheriff's Office BWC data is stored on a local file server. The server is stored in a secure location and 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 Watonwan County Sheriff's Office solicited for public comment by posting on the County's website and notice in the official newspaper. The Watonwan County Board of Commissioners held a public hearing at their August 3, 2021, meeting. The body worn camera program was implemented November 10, 2021.

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 Watonwan County Sheriff's Office established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The policy includes all of the minimum requirements of Minn. Stat. § 626.8473, Subd. 3 with the exception of (b)(5) release of BWC data documenting the UOF that results in death within fourteen (14) days after the incident. The Sheriff's Office is working with Lexipol, their policy management vendor, to incorporate this requirement in policy. The BWC policy is posted on the agency's website.

Discrepancy noted.

This report was prepared exclusively for the County of Watonwan and Watonwan 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: November 15, 2023

Lynn Lembcke Consulting

Lynn Lembcke

Lynn Lembcke