

# INDEPENDENT AUDIT REPORT

Sheriff Troy Heck  
Benton County Sheriff's Office  
581 Hwy. 23  
Foley, MN 56329

Dear Sheriff Heck:

An independent audit of the Benton County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on August 25, 2023. The objective of the audit was to verify Benton 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 Benton County Sheriff's Office employs sixteen (16) peace officers and utilizes WatchGuard body-worn cameras and Evidence Library software. BWC data is stored on a local file server. The audit covers the time period May 1, 2021, through July 31, 2023.

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

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

All BWC data collected by the Benton County Sheriff's Office during the audit period, is classified as private or nonpublic data. The Benton 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 Benton 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. Active BWC data is accessible in the WatchGuard Evidence Library.

Randomly selected videos from a server Purged Events Report were verified against the record purge date. All records were maintained in accordance with the BWC record retention schedule, and all records were maintained for at least the minimum ninety (90) days required by statute. Deleted BWC video is not accessible in the WatchGuard Evidence Library. The Benton County Sheriff's Office has received no requests from data subjects to retain BWC data beyond the applicable retention period.

Supervisors 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 Benton County Sheriff's Office Body Camera Request Form. During the audit period, the Benton 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.*

Benton County Sheriff's Office's BWC inventory consists of twenty-four (24) devices. Device inventory is maintained within WatchGuard Evidence Library and in an Excel spreadsheet.

The Benton 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 the BWC is in good working order and to promptly report a malfunction that occurs at any time to their supervisor and obtain a functioning device as soon as reasonably practicable. Peace officers were trained on the use of the BWC system by WatchGuard during implementation. New officers are trained as part of their field training program.

A review of randomly selected dates from the patrol schedule were verified against the Active and Purged Event Reports and 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 Event Reports.

The Benton 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 the scheduled deletion date. Meta data information is maintained on the server. BWC data is available upon request, and access may be requested by submission of a Benton County Sheriff's Office Body Camera 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 Benton County Sheriff's Office BWC policy states that officers are prohibited from using personally owned recording devices while on duty without the express consent of the Shift 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.*

Supervisors conduct monthly reviews of BWC data to ensure that BWC data is being properly labeled and that BWCs are being used in 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 group roles and permissions in WatchGuard. Permissions are based on staff work assignments and are administered by IT under the direction of the Chief Deputy. Access to WatchGuard Evidence Library is password protected and requires dual authentication.

The BWC policy governs access to BWC data. BWC may only be accessed for legitimate law enforcement or data administration purposes and in compliance with the Minnesota Data Practices Act. Access to data is captured in the audit log. The BWC policy states that any member who accesses or releases recordings without authorization may be subject to discipline.

When BWC data is deleted from WatchGuard, its contents cannot be determined. The Benton County Sheriff's Office has had no security breaches. A BCA CJIS security audit was conducted in August of 2020.

*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 Benton County Sheriff's Office BWC policy allows for the sharing of data with other law enforcement and criminal justice entities as provided by law. Law enforcement agencies seeking access to BWC data must submit a written request that includes the specific law enforcement purpose for which the recording is sought. Sharing of data is documented in WatchGuard Cloud Share and the Records Management System dissemination log.

*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 Event Reports document the date and time portable recording system data was collected and deleted. The WatchGuard Cloud Share report, the audit trail, and the Records Management System 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.*

Benton County Sheriff's Office WatchGuard data is stored on a local file server. The server is located in a secure area in the Sheriff's Office, and 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 Benton County Sheriff's Office solicited for public comment on social media, and the Benton County Board of Commissioners held a public hearing at their March 5, 2019, board meeting. The body worn camera program was implemented April 1, 2019.

*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 Benton 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 minimum requirements of Minn. Stat. § 626.8473, Subd. 3. The policy is posted on the agency's website.

*No discrepancies noted.*

This report was prepared exclusively for the Benton 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: December 11, 2023

Lynn Lembcke Consulting



Lynn Lembcke