

INDEPENDENT AUDIT REPORT

Sheriff Ryan Kruger
Nobles County Sheriff's Office
1530 Airport Rd., Suite 100
Worthington, MN 56187

Dear Sheriff Kruger:

An independent audit of the Nobles County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on August 13, 2024. The objective of the audit was to verify Nobles 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 Nobles County Sheriff's Office is located in Worthington, Minnesota and employs thirteen (13). The Nobles County Sheriff's Office utilizes WatchGuard body-worn cameras and Evidence Library management software and stores BWC data on a local file server. March 10, 2021, through July 31, 2024.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Nobles County Sheriff's Office BWC data is presumptively private. All BWC data collected during the audit period is classified as private or nonpublic data. The Nobles 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 Nobles County Sheriff's Office utilizes the Nobles County and City of Worthington Records Retention Schedule and agency specified retention periods in WatchGuard. At the conclusion of a BWC recording, a WatchGuard category type is assigned. Each category type has an associated retention period. Upon reaching the retention date, data is systematically deleted. The policy states that BWC shall be retained for a period of no less than one hundred eighty (180) days and several categories have a ninety (90) day retention period. The policy was updated to state BWC shall be retained for a period of no less than ninety (90) days prior to the completion of the final report.

Event log reports of all BWC data collected and deleted during the audit period were produced. Records from the purged event log report were reviewed, and the date the data was collected was verified against the deletion date. Several records with a category of Test were deleted in less than the ninety (90) days required by statute during the first several months of use. All other records were deleted in accordance with the record retention schedule and retained for at least the minimum ninety (90) days required by statute.

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

Records staff 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 Nobles County Information Request Form. During the audit period, the Nobles County Sheriff's Office had received no requests to view BWC data but did receive a request for a copy of BWC data from an individual other than the data subject. The request was denied per statute.

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.

Nobles County Sheriff's Office BWC inventory consists of fifteen (15) devices. Device inventory is maintained within WatchGuard and on an Excel spreadsheet.

Nobles 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 they are equipped with a BWC and that it is in good working order. Officers noting a malfunction during testing or at any other time are required to report the malfunction to their supervisor and obtain a functioning device as soon as reasonably practicable.

Officers were trained on the use of the portable recording system 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 WatchGuard Evidence Library and 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 calls for service shows a consistent collection of BWC data.

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

The Nobles County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention in WatchGuard. BWC video is fully deleted upon reaching the scheduled deletion date. Meta data is maintained on the server. BWC data is available upon request, and access may be requested by submission of a Nobles County Information 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.

Nobles 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.

The Chief Deputy conducts reviews of BWC data to ensure data is properly categorized and that BWCs are being utilized 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. Roles and permissions are administered by the Chief Deputy and IT. Access to WatchGuard Evidence Library is password protected.

The Nobles County Sheriff's Office BWC, Protected Information, and Records Maintenance and Release policies govern access to BWC data. The BWC policy states that members may access the department's BWC data pursuant to the requirements of the Minnesota Data Practices Act and applicable laws. The 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 Nobles County Sheriff's Office has had no security breaches. A BCA CJIS Security Audit was conducted in April 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.

Nobles County Sheriff's Office BWC, Protected Information, and Records Maintenance and Release policies govern the sharing of BWC data with other law enforcement and governmental agencies. The BWC policy states that BWC data may be released pursuant to the requirements of the Minnesota Data Practices Act and applicable laws. The policy further states that BWC data cannot be distributed except for authorized legitimate office business purposes. 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.

WatchGuard Evidence library and the server log 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 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.

Nobles County Sheriff's Office BWC data is stored on a local file server. The server is located in a secure area at the Nobles County Sheriff's Office with limited access.

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 Nobles County Sheriff's Office solicited public comment prior to the implementation of the BWC program. The Nobles County Board of Commissioners held a public hearing at their January 19, 2021, 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.

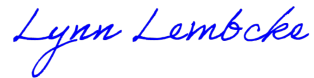
The Nobles County Sheriff's Office BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The policy did not include all of the minimum requirements of Minn. Stat. § 626.8473, Subd. 3. The policy was updated to include all of the minimum requirements prior to the completion of the final BWC audit report.

Discrepancy noted.

This report was prepared exclusively for Nobles County and the Nobles 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: October 20, 2024

Lynn Lembcke Consulting



Lynn Lembcke