

# INDEPENDENT AUDIT REPORT

Sheriff Bill Flaten  
Yellow Medicine County Sheriff's Office  
415 9<sup>th</sup> Ave., Suite 103  
Granite Falls, MN 56241

Dear Sheriff Flaten:

An independent audit of the Yellow Medicine County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on March 19, 2024. The objective of the audit was to verify Yellow Medicine 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

Yellow Medicine County Sheriff's Office employs ten (10) peace officers. Yellow Medicine 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 June 1, 2021, through February 29, 2024.

## **Audit Requirement: Data Classification**

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

Yellow Medicine County Sheriff's Office BWC data is presumptively private. All BWC data collected during the audit period is classified as private or nonpublic data. Yellow Medicine 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 Yellow Medicine County Sheriff's Office utilizes the General 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 category type has an associated retention period. Upon reaching the retention date, data is systematically deleted.

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 delete date. Each of the records were deleted in accordance with the record retention schedule. All BWC data was retained for at least the minimum ninety (90) days required by statute.

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

The Yellow Medicine 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 completing a Yellow Medicine County data request form. During the audit period, the Yellow Medicine County Sheriff's Office had received both a request to view and a request for a copy of BWC data from data subjects. Both data subjects consented to the release of data and no redaction was required. Requests for BWC data are documented in the records management system dissemination log and data request forms are retained in the records management system.

*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.*

Yellow Medicine County Sheriff's Office BWC inventory consists of twelve (12) devices. Device inventory is maintained within WatchGuard Evidence Library.

The Yellow Medicine 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 recorder is in good working order and to notify their supervisor of a malfunction during test or at any other time and obtain a functioning device as soon as reasonably practicable. Peace officers were trained on the use of the BWCs utilizing the WatchGuard online training videos. 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 WatchGuard Evidence Library and event log reports and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs. A review of BWC videos created per quarter 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 Yellow Medicine 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 Yellow Medicine County 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 Yellow Medicine 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 Chief 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 reviews BWC data to ensure videos are 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 IT under the direction of the Sheriff's Office. Access to WatchGuard Evidence Library is password protected and requires dual authentication.

The BWC and Records Maintenance and Release policies govern access to BWC data. The policy states that members may access BWC data when preparing written reports, when investigating alleged misconduct or meritorious conduct or when beneficial in reviewing and officer's performance, as part of internal audits and reviews, when participating in an official investigation, pursuant to lawful process or by court personnel who are otherwise authorized to review evidence related in a case, and in compliance with the Minnesota Data Practices Act. The policy further states that any member who accesses or releases BWC data without authorization may be subject to discipline. Access to data is captured in the audit trail.

When BWC data is deleted from WatchGuard, its contents cannot be determined. The Yellow Medicine County Sheriff's Office has had no security breaches. A BCA CJIS Security Audit was conducted in March 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 Yellow Medicine County Sheriff's Office BWC and Records Maintenance and Release policies allow for the sharing of BWC data with criminal justice entities in accordance with policy and the Minnesota Data Practices Act. Law enforcement agencies seeking access to BWC data submit a written request. Sharing of data is documented in the records management system dissemination log and the written request is maintained in the records management system.

*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 deleted. All BWC data collected during the audit period is classified as private or nonpublic data. The audit log and the records management system dissemination log 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.*

Yellow Medicine County Sheriff's Office BWC data is stored on a local file server. The server is located in a secure area at Yellow Medicine County Sheriff's Office.

*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 Yellow Medicine County Sheriff's Office solicited public comment by press release. The Yellow Medicine County Board of Commissioners held a public hearing at their November 10, 2020, 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 Yellow Medicine County Sheriff's Office BWC 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 with the exceptions of § 626.8473, Subd. 3 (b) (3) and (5). The policy was updated to include all minimum requirements prior to the completion of the Audit Report. The BWC policy is posted on the agency's website.

*Discrepancy noted.*

This report was prepared exclusively for the Yellow Medicine County and the Yellow Medicine 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: May 12, 2024

Lynn Lembcke Consulting



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Lynn Lembcke