

INDEPENDENT AUDIT REPORT

Sheriff Ryan Shea
Freeborn County Sheriff's Office
411 Broadway Ave. S., Box 170
Albert Lea, MN 56007

Dear Sheriff Shea:

An independent audit of the Freeborn County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on March 28, 2024. The objective of the audit was to verify Freeborn 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 Freeborn County Sheriff's Office employs twenty-five (25) peace officers. The Freeborn County Sheriff's Office utilized WatchGuard BWCs with Evidence Library evidence management software and Getac BWCs with Enterprise Evidence Management software during the audit period. WatchGuard BWC data and Getac BWC data is stored on a local file server. The audit covers the time period January, 2019, through January 31, 2024.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Freeborn County Sheriff's Office BWC data is presumptively private. All BWC data collected by the Freeborn County Sheriff's Office during the audit period is classified as private data. The Freeborn County Sheriff's Office had no instances of the discharge of a firearm by a police officer, use of force 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 Freeborn County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention periods in Getac and WatchGuard. At the conclusion of a BWC recording, officers assign meta data, including a category, to the recording. Each category has an associated retention period. Upon reaching its retention date, data is systematically deleted. Deletion of the data is captured in the audit trail history.

Assets Acquired and Deleted Assets log reports and event log reports were produced from Getac Enterprise Management and the WatchGuard server for all BWC data collected and deleted during the audit period. Randomly selected records from the purged/deleted reports were reviewed, and the date and time the data was created was verified against the deletion date. All records were deleted in accordance with the retention schedules. BWC data with the Test category were deleted after thirty (30) days and not retained for the minimum ninety (90) days required by statute and in accordance with the BWC policy.

Active BWC data is accessible in Getac Enterprise Evidence Management and WatchGuard Evidence Library. The event log maintains a listing of all active and purged WatchGuard BWC data with associated meta data. Getac maintains metadata associated to deleted BWC data.

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

Supervisors monitor proper categorization of BWC data to ensure 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 Freeborn County Data/Information Disclosure Request form. During the audit period, the Freeborn County Sheriff's Office had received requests to view BWC data but had not received requests

for copies of BWC video from data subjects. Access to BWC data is documented in an Excel spreadsheet.

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.

Freeborn County Sheriff's Office BWC inventory consists of twenty-three (23) devices. An inventory of the total number of devices owned by the agency is maintained within Getac Enterprise Evidence Management. The inventory includes the unit ID, type, version, description, user, date of last checkout.

The Freeborn County Sheriff's Office BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The Department's BWC policy requires officers to conduct a function test at the beginning of each shift to ensure their device is operating properly and to promptly report any malfunction to their supervisor.

Peace officers were trained by Getac 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 Assets Acquired and Deleted Assets log reports and WatchGuard server log reports and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs. A comparison of BWC data collected per quarter shows a consistent collection of BWC data.

The Getac Assets Acquired and Deleted Assets log reports and the Watchguard Event log reports detail the total amount of BWC data created, stored/maintained, and deleted.

The Freeborn County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in Getac and WatchGuard. BWC data is fully deleted from Getac Enterprise Evidence Management and WatchGuard Evidence Library upon reaching its scheduled deletion date. Meta data and audit trails are maintained in Getac Enterprise Evidence Management after deletion of BWC audio and video. WatchGuard metadata is maintained on the server. BWC data is available upon request, and access may be requested by submission of a Freeborn County Data/Information Disclosure 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 Freeborn County Sheriff's Office BWC policy states that officers may use only department-issued BWCs in the performance of official duties for the agency or when otherwise performing authorized law enforcement services as an employee of the department.

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 BWC data is being accurately classified 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 roles and permissions in WatchGuard Evidence Library and Getac Enterprise Evidence Management. Permissions are based on staff work assignments. Nonpublic BWC data is only accessible to staff whose work assignment reasonably requires access. Access to WatchGuard Evidence Library and Getac Enterprise Evidence Management is password protected.

The agency's BWC policy governs access to BWC data. Freeborn County Sheriff's Office personnel are prohibited from accessing BWC data except for legitimate law enforcement or data administration purposes. BWC data may only be accessed when there is a business need for doing so. Access to BWC data is captured in the audit trail. The BWC policy states that the unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties.

When BWC data is deleted from both WatchGuard and Getac, its contents cannot be determined. The Freeborn County Sheriff's Office has had no security breaches. A BCA CJIS security audit was conducted in June of 2022.

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 Freeborn County Sheriff's Office BWC policy allows for the sharing of data with other law enforcement agencies for legitimate law enforcement purposes only and for the sharing of data

with prosecutors, courts and other criminal justice entities as provided by law. Law Enforcement agencies seeking access to BWC data submit a written request. Sharing of BWC data is documented in the audit trails and 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.

Getac Enterprise Evidence Management and the Assets Acquired and Deleted Assets log reports and WatchGuard Evidence Library and the server log reports document the date and time portable recording system data were collected and deleted. All BWC data collected during the audit period is classified as private or nonpublic data. The Getac and WatchGuard audit trails and the records management system document how BWC 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.

The Freeborn County Sheriff's Office WatchGuard and Getac BWC data is stored on a local file server.

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 Freeborn County Board of Commissioners provided an opportunity for public comment and passed a resolution approving the BWC policy at their February 5, 2019, 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.

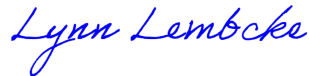
The Freeborn County Sheriff's Office has established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3 with the exception of Subd. 3 (b) (2) and (3). The BWC policy is posted on the agency's website.

Discrepancy noted.

This report was prepared exclusively for the County of Freeborn and Freeborn 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: June 19, 2024

Lynn Lembcke Consulting



Lynn Lembcke