

INDEPENDENT AUDIT REPORT

Sheriff Eric Tollefson
Kandiyohi County Sheriff's Office
2201 23rd Street NE, Suite 101
Willmar, MN 562301

Dear Sheriff Tollefson:

An independent audit of the Kandiyohi County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on April 12, 2024. The objective of the audit was to verify Kandiyohi 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 Kandiyohi County Sheriff's Office is located in Willmar, Minnesota and employs thirty-one (31) full-time peace officers. The Kandiyohi County Sheriff's Office utilizes WatchGuard body-worn cameras and Evidence Library software. BWC data was stored on a local file server and in the Motorola Solutions Cloud during the audit period. The audit covers the time period September 1, 2022 through March 31, 2024.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Kandiyohi County Sheriff's Office BWC data is presumptively private. BWC data collected during the audit period is classified as private or nonpublic data and confidential data. The Kandiyohi County Sheriff's Office had an incident of the discharge of a firearm by a peace officer in the course of duty, which was an active BCA investigation at the time of the audit. The Kandiyohi County Sheriff's Office had no incidents of the 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 Kandiyohi 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 purge date. Each of the records were deleted in accordance with the record retention schedule. The retention period on the Junk category was set to thirty (30) days and data with this category was not retained for the minimum ninety (90) days required by statute or policy. All other BWC data was retained in accordance with the retention schedule and 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 and cloud event logs maintain a listing of all active and deleted BWC data with associated meta data.

The Kandiyohi County Sheriff's Office had 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.

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 completing a Request for Information form. During the audit period, the Kandiyohi 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.

Kandiyohi County Sheriff's Office BWC inventory consists of forty-one (41) devices. Device inventory is maintained within WatchGuard and on an Excel spreadsheet.

The Kandiyohi 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 deputies to ensure their device is operating properly. Deputies noting a malfunction during testing or at any other time are required to promptly report the malfunction to their supervisor.

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 shows an increased collection of BWC data. A comparison of total number of BWC videos created per quarter to 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 and cloud event log reports.

The Kandiyohi 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 Request for Information 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 Kandiyohi 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 office.

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.

Sergeants conduct random reviews of BWC data to ensure BWC 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 IT staff assigned to the Sheriff's Office. Access to WatchGuard Evidence Library is password protected.

The BWC policy governs access to BWC data. The policy states that no employee may access the department's BWC data except for legitimate law enforcement or data administration purposes and employees are prohibited from accessing BWC data for non-business reasons. The policy further states that the 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 BWC data is captured in the audit trail.

When BWC data is deleted from WatchGuard, its contents cannot be determined. The Kandiyohi 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.

The Kandiyohi 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. Agencies seeking access to BWC data submit a written request. Sharing of data is documented in 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 and cloud event log reports document the date and time portable recording system data was collected and deleted. BWC data collected during the audit period includes data with private or nonpublic data and confidential classifications. 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.

Kandiyohi County Sheriff's Office BWC data is stored on a local file server and in the Motorola Solutions Cloud. The server is located in a secure area.

A Motorola Solutions CJIS Compliance White paper outlines the specific security policies and practices for Motorola Solutions and how they are compliant with the CJIS Security Policy. Motorola has performed statewide CJIS-related vendor requirements in Minnesota. Motorola maintains CJIS certification for personnel who are required to complete Level 4 CJIS Security Training upon assignment and annually thereafter.

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 Kandiyohi County Sheriff's Office solicited public comment prior to the purchase and implementation of the body-worn camera program. The Kandiyohi County Board of Commissioners held a public hearing on January 23, 2018.

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 Kandiyohi 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 the requirement that the BWC must be worn at or above the mid-line of the waist, and the mandate that officers operate the system in compliance with policy when performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official. The BWC policy is posted on the agency's website.

Discrepancy noted.

This report was prepared exclusively for the Kandiyohi 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: July 30, 2024

Lynn Lembcke Consulting

Lynn Lembcke

Lynn Lembcke