

INDEPENDENT AUDIT REPORT

Sheriff Kyle Burton
Mille Lacs County Sheriff's Office
640 3rd St. SE
Milaca, MN 56353

Dear Sheriff Burton:

An independent audit of the Mille Lacs County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on April 17, 2024. The objective of the audit was to verify Mille Lacs 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 Mille Lacs County Sheriff's Office employs thirty-five (35) peace officers. The Mille Lacs County Sheriff's Office utilizes Visual Labs smartphone body-worn cameras and cloud-based evidence management storage. The audit covers the time period January 1, 2022, through March 31, 2024.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Mille Lacs 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 Mille Lacs County Sheriff's Office had no incidents of the discharge of a firearm by a peace officer, use of force that resulted in substantial 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 Mille Lacs County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods for BWC data in Visual Labs. At the conclusion of a BWC recording, officers assign meta data, including a caption, tag, and expiration date to the recording. When data reaches the expiration date, it is systematically deleted. Data that results, or may result in prosecution, is held until a court disposition at which time a one hundred eight (180) day expiration date is assigned. Upon reaching the expiration date, evidence is systematically deleted. Deletion/expiry date is captured in the audit log.

Randomly selected audit logs from Visual Labs were reviewed, and the date and time the data was created was verified against the retention and expiry date. Each of the records were accurately deleted or maintained in accordance with the record retention. The Mille Lacs County Sheriff's Office had received no requests from data subjects to retain BWC data beyond the applicable retention period.

Sergeants and Records staff monitor the proper assignment of meta data to ensure 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 an Mille Lacs County Data Request Form. During the audit period, the Mille Lacs County Sheriff's Office had received no requests to view BWC data but did receive and fulfill requests for copies of BWC video from data subjects. Data subjects who had not consented to release of the data were redacted. Requests for copies of BWC data are documented on an Excel spreadsheet and in the records management system dissemination log.

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.

Mille Lacs County Sheriff's Office's BWC inventory consists of thirty-one (31) devices. Inventory is maintained on an Excel spreadsheet.

The Mille Lacs County Sheriff's Office's 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 of their BWC at the beginning of each shift to make sure the device is operating properly. Officers noting a malfunction during testing or at any other time are required to promptly report the malfunction to their supervisor. Peace officers were trained on the use of BWCs by a Visual Labs 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 data stored in Visual Labs 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 year to the total number of calls for service per year shows a consistent collection of BWC data. Reports produced from Visual Labs document the total count of videos created per officer and the total amount of BWC data created.

The Mille Lacs County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention periods in Visual Labs. BWC audio/video is fully deleted from Visual Labs upon reaching the scheduled expiration date. Meta data and audit logs are permanently maintained in Visual Labs. BWC data is available upon request, and access may be requested by submission of a Mille Lacs 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 Mille Lacs County Sheriff's Office's BWC policy states that officers may use only office-issued portable recording devices in the performance of official duties for the Agency or when otherwise performing authorized law enforcement services as an employee of the Sheriff's 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.

Supervisors 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 roles and permissions in Visual Labs. Permissions are based on staff work assignments. Roles and Permissions are administered by the Sheriff, Captain, and Chief Deputy. Access to Visual Labs is password protected and requires dual authentication.

The agency's BWC policy governs access to BWC data. Agency personnel may access BWC data for legitimate law enforcement or data administration purposes only. The BWC policy requires users to enter a justification for the access in Visual Labs, and access is captured in the audit log. The BWC policy states that 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.

When BWC data is deleted from Visual Labs, its contents cannot be determined. The Mille Lacs County Sheriff's Office has had no security breaches. A BCA CJIS security audit was conducted in May 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 Mille Lacs County Sheriff's Office's 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. The written request is maintained in the case file, and the release 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 date and time portable recording system data was collected and deleted is accessible in Visual Labs. All BWC data collected during the audit period is classified as private or nonpublic data. The Visual Labs Audit Log Report, the case file, and the records management system dissemination log document how the data are used. The audit log is maintained in Visual Labs after deletion of BWC video. The Visual Labs audit log documents each and every action taken from the creation of the recording to its deletion, as well as access of the audit log after BWC data has been deleted.

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.

Visual Labs BWC data is stored in the Microsoft Azure Government Cloud. Microsoft and Visual Labs appears on the BCA Vendor Screening Program list of approved and screened vendors and are vetted in accordance with the security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services Division Security Policy.

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 Mille Lacs County Sheriff's Office solicited for public comment by public posting and public comment could be submitted by mail and electronically. Mille Lacs County Board of Commissioners held a public hearing at their March 17, 2017, 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 Mille Lacs County Sheriff's Office has 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 that were in effect prior to August 1, 2023, but does not include all of the additional requirements that became effective August 1, 2023. An updated policy including the minimum requirements was provided prior to completion of this report. The BWC policy is posted on the agency's website.

Discrepancy noted.

This report was prepared exclusively for the Mille Lacs County and Mille Lacs 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: August 11, 2024

Lynn Lembcke Consulting



Lynn Lembcke