

# INDEPENDENT AUDIT REPORT

Sheriff James Tadman  
Polk County Sheriff's Office  
600 Bruce St.  
Crookston, MN 56716

Dear Sheriff Tadman:

An independent audit of the Polk County Sheriff's Office's Portable Recording System (body-worn cameras (BWCs)) was conducted on September 30, 2024. The objective of the audit was to verify Polk County Sheriff's Office's 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

Polk County Sheriff's Office is authorized for thirty-two (32) peace officers. During the audit period, Polk County Sheriff's Office utilized Visual Labs and Getac body-worn cameras and cloud-based evidence management storage. The audit covers the time period October 1, 2022, through September 15, 2024.

## **Audit Requirement: Data Classification**

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

Polk County Sheriff's Office BWC data is presumptively private. BWC data collected during the audit period includes private or non-public data, public data, and confidential classified data. Public and confidential data captured incidents of the discharge of a firearm by a peace officer. The Polk County Sheriff's Office had no incidents of 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.*

Polk County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention periods in Visual Labs and Getac. At the conclusion of a Visual Labs BWC recording, officers assign meta data, including a caption, tag, and retention period to the recording. At the conclusion of a Getac recording officers assign a category to the recording. Each category has an associated retention period. Upon reaching its retention date, evidence is systematically deleted. Deletion/expiry dates are captured in the Visual Labs audit log and Getac audit trail history.

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. Assets Acquired and Deleted Log Reports were produced from Getac Enterprise Management for all BWC data collected with Getac recorders. Records from the Assets Acquired and Deleted Log Reports were reviewed, and the date and time the data was created was verified against the scheduled deletion/expiration date. All records in Visual Labs and Getac were deleted or maintained in accordance with the record retention schedule and were retained for at least the minimum ninety (90) days required by statute. Polk County Sheriff's Office had received no requests from data subjects to retain BWC data beyond the applicable retention period.

Supervisors 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 a Request for Information form. During the audit period, the Polk County Sheriff's Office had received no request 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 the release of data were redacted. Release of data is the records management system calls for service notes.

*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.*

Polk County Sheriff's Office's BWC inventory consists of thirty-two (32) devices. Inventory is maintained within Getac Enterprise Evidence Management.

The Polk 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 the recorder is in good working order before going into service. If an officer notes a malfunction during testing or at any time, they are required to promptly report the malfunction to their supervisor and obtain a functioning device as soon as reasonably practicable.

Peace officers were trained one-on-one by Visual Labs-trained trainers on the use of BWCs. Officers were trained on Getac BWCs during implementation. Newly hired officers are trained as part of their police training officer program.

Randomly selected dates from the patrol schedule were verified against data stored in Visual Labs and the Getac Asset Log Reports and confirmed that BWC's are being deployed and officers are wearing and activating their BWCs. Reports produced from Visual Labs and Getac detail the total amount of BWC data created, stored/maintained, and deleted. BWC audio/video is fully deleted from Visual Labs and Getac upon reaching the scheduled expiration date. Meta data and audit logs are permanently maintained in Visual Labs and Getac.

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 Polk County Sheriff's Office's BWC policy states that members are prohibited from using personally owned recording devices while on duty.

*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 internal audits of BWC data to ensure BWC data is being properly categorized and that BWCs are being used 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 and Getac Evidence Management. Permissions are based on staff work assignments. Access to Visual Labs and Getac is password protected and requires dual authentication.

The agency's BWC policy governs access to BWC data. Authorized users may access BWC data pursuant to lawful process and in accordance with policy, statute, and the Minnesota Data Practices Act. Access to data is captured in the audit trail. The BWC policy states that any member who accesses or releases recordings without authorization may be subject to discipline.

When BWC data is deleted from Visual Labs and Getac, its contents cannot be determined. Polk County Sheriff's Office has had no security breaches. A BCA CJIS security audit was conducted in April of 2024.

*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 Polk County Sheriff's Office BWC policy allows for the sharing of data with other law enforcement agencies and government entities pursuant to lawful process and in accordance with policy, statutes, and the Minnesota Data Practices Act. Agencies seeking access to BWC data are required to submit a written request. BWC data is shared via link from Visual Labs and Getac. Sharing of BWC data is captured in the audit log/audit trail history reports. Sharing of data is documented in the records management system calls for service 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.*

The date and time portable recording system data was collected and deleted is accessible in Visual Labs and Getac Evidence Management. BWC data collected during the audit period includes private or non-public, public, and confidential data. The Visual Labs Audit Log Report, the Getac Audit Trail History, and the records management system document how the data are used. Audit Log Reports and Audit Trail History reports are maintained in Visual Labs and Getac Evidence Management after deletion of BWC video. Both document each and every action taken from the creation of the recording to its deletion, as well as access of the audit log/audit trail 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 and Getac BWC data is stored in the Microsoft Azure Government Cloud. Microsoft and Visual Labs appear 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.

A Statement of CJIS Compliance dated March 7, 2019, validated Getac Video Solutions full compliance with appropriate controls to protect criminal justice information from creation through dissemination, whether at rest or in transit. The assessment of Getac Video Solutions was conducted by Flat Iron Technologies, LLC. Flat Iron Technologies, LLC is registered with the federal government as a provider of information security compliance.

*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 Polk County Sheriff's Office solicited for public comment by media and social media release on April 2, 2020. The Polk County Board of Commissioners held a public hearing at their April 28, 2020, meeting. The body worn camera system was implemented January 1, 2021.

*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.*

Polk 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 includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3(b).

*No discrepancies noted.*

This report was prepared exclusively for Polk County and the Polk 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: December 12, 2024

Lynn Lembcke Consulting

*Lynn Lembcke*

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Lynn Lembcke