

# INDEPENDENT AUDIT REPORT

Sheriff Eric Wallen  
Lyon County Sheriff's Office  
611 W. Main St.  
Marshall, MN 56258

Dear Sheriff Wallen:

An independent audit of the Lyon County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on February 19, 2025. The objective of the audit was to verify Lyon 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

Lyon County Sheriff's Office employs eighteen (18) peace officers. Lyon County Sheriff's Office utilized WatchGuard body-worn cameras and Evidence Library evidence management software and Axon body-worn cameras and Evidence.com evidence management software during the audit period. WatchGuard BWC data is stored on a local file server. Axon BWC data is stored in the cloud. The audit covers the time period February 1, 2023, through January 31, 2025.

## **Audit Requirement: Data Classification**

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

BWC data is presumptively private. During the audit period, all BWC data collected by the Lyon County Sheriff's Office is classified as private or nonpublic data. Lyon 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.*

Lyon County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention periods in WatchGuard and Evidence.com. At the conclusion of a BWC recording, deputies assign a category to the recording. Each category type has an associated retention period. Upon reaching the retention date, data is systematically deleted. Deletion of data is captured in the audit trail.

A WatchGuard server log report and an Evidence Created Report including all BWC data collected and deleted during the audit period were produced. Randomly selected records from the reports were reviewed and the date and time the data was created was verified against the deletion date. Each of the records were deleted or maintained in accordance with the record retention schedule and were maintained for the minimum ninety (90) days required by statute. Randomly selected Evidence.com audit trail reports were verified against the Evidence Created Report and each of the records were maintained or deleted in accordance with the record retention.

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

The patrol sergeant monitors BWC data for proper categorization to ensure BWC 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 Lyon County Sheriff's Office Data Request Form. During the audit period, Lyon County Sheriff's Office had received no requests to view BWC data but did receive and fulfill requests for copies of BWC data from data subjects. Data subjects who had not consented to the release of data were redacted. A copy of the Axon redacted video is stored in Evidence.com along with the original copy.

*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.*

Lyon County Sheriff's Office BWC inventory consists of sixteen (16) devices. An inventory report produced from Evidence.com detailed the total number of recording devices owned and maintained by the agency. The inventory included the device model, serial number, device name, officer assigned to the device, date of last upload, device status, error status, firmware version, warranty date, date last docked, and camera state.

Lyon 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 the recorder is in good working order prior to going into service. Deputies noting a malfunction during testing or at any other time must report the malfunction to his/her supervisor.

Deputies were trained on the use of the WatchGuard BWC system by online videos during implementation. Deputies were trained on Axon body cameras utilizing Axon online courses. Newly hired deputies 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 server log report and Evidence.com and the Evidence Created Report and confirmed that BWCs are being deployed and activated by deputies. A review of the total number of BWC videos created per quarter and a comparison to total calls for service shows a consistent collection of BWC data. The WatchGuard server log report, Evidence.com queries, and the Evidence Created Report detail the total amount of BWC data created, stored/maintained, and deleted.

Lyon County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention in WatchGuard and Evidence.com. BWC video is fully deleted upon reaching its retention period. Metadata and audit trail information are maintained on the WatchGuard server and in Evidence.com after deletion of BWC audio and video. BWC data is available upon request, and access may be requested by submission of a Lyon County Sheriff's Office 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.*

Lyon County Sheriff's Office BWC policy states that deputies are prohibited from using

personally owned recording devices while on duty without the express consent of the Sergeant.

*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 patrol sergeant conducts random reviews of BWC data to ensure that 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 WatchGuard and Evidence.com. Roles and permissions are based on staff work assignments. Roles and permissions are administered by the Chief Deputy. Access to WatchGuard Evidence Library is password protected. Access to Evidence.com is password protected and requires dual authentication.

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

When BWC data is deleted from WatchGuard Evidence Library and Evidence.com, its contents cannot be determined. Lyon County Sheriff's Office has had no security breaches. A BCA CJIS security audit was conducted in May 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 Lyon County Sheriff's Office BWC and Records Maintenance and Release policies govern sharing of BWC data. BWC data may be shared with other governmental entities and agencies pursuant to lawful process and in accordance with policy, statute, and the Minnesota Data Practices Act. Law enforcement agencies seeking access to BWC data are required to submit a written request. Sharing of data is captured in the audit trail. An Evidence.com Sharing Audit Report provides documentation of all shared data.

*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 server log report, Evidence.com, and the Evidence Created Report 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. Audit trails, the Sharing Audit Report, and data request forms document how the data are used. Audit trails are maintained in Evidence.com after deletion of video.

*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.*

Lyon County Sheriff's Office WatchGuard BWC data is stored on a local file server. The server is located in a secure area with access restricted to IT personnel. Access to the server is password protected.

Axon BWC data is stored in the cloud. An Axon CJIS Compliance White paper outlines the specific security policies and practices for Evidence.com and how they are compliant with the CJIS Security Policy. Axon has signed the CJIS Security Addendum in all states and has performed statewide CJIS-related vendor requirements in Minnesota. Axon has incorporated the CJIS Security Addendum by reference into the Axon Master Services and Purchase Agreement. Axon maintains signed CJIS Security Addendum certification pages for Axon personnel. Authorized Axon personnel are required to complete Level 4 CJIS Security Training upon assignment and biennially 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.*

Lyon County Sheriff's Office solicited for public comment by press release and on social media. Lyon County Board of Commissioners held a public hearing at their November 3, 2020, County Board 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.*

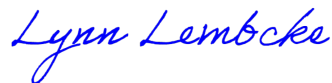
Lyon County Sheriff's Office BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The policy included all minimum requirements of Minn. Stat. § 626.8473, Subd. 3.

*No discrepancies noted.*

This report was prepared exclusively for Lyon County and the Lyon 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: March 30, 2025

Lynn Lembcke Consulting



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Lynn Lembcke