

INDEPENDENT AUDIT REPORT

Sheriff Michael Allen
Todd County Sheriff's Office
115 3rd St. S.
Long Prairie, MN 56347

Dear Sheriff Allen:

An independent audit of the Todd County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on April 18, 2024. The objective of the audit was to verify Todd 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 Todd County Sheriff's Office employs sixteen (16) peace officers and utilizes WatchGuard body-worn cameras and software. BWC data is stored on a local file server. 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.

All BWC data collected by the Todd County Sheriff's Office during the audit period, is classified as private or non-public data. The Todd 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.

The Todd County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention periods in WatchGuard Vista. At the conclusion of a BWC recording, a WatchGuard category type is assigned. Each WatchGuard category type has an associated retention period. Upon reaching the retention date, data is systematically deleted. Active BWC data is accessible in the WatchGuard Evidence Library.

Event log reports of 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 delete date. Each of the records were deleted in accordance with the record retention schedule. All BWC data was retained for at least one hundred eighty (180) days.

Sergeants monitor 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 Todd County Sheriff's Office Data Request Form. During the audit period, the Todd 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 release of the data were redacted. Data request forms are maintained within the case file and documented in the records management system case 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.

Todd County Sheriff's Office's BWC inventory consists of twenty-three (23) devices. Device inventory is maintained within WatchGuard.

The Todd 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 BWC is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, they shall immediately report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable.

Peace officers were trained on the use of the BWC system during implementation. Newly hired officers are trained as part of their field training program.

Active and Purged Event Reports document the daily total number of recording devices deployed and used by officers. Randomly selected calls for service were verified against the Evidence Library data and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs. The total number of BWC videos created per quarter shows a consistent collection of data.

The total amount of active data is accessible in the WatchGuard Evidence Library. The total amount of active and deleted data is documented in the Active and Purged Events log report.

The Todd 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. Metadata is maintained on the server. BWC data is available upon request, and access may be requested by submission of a Todd 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.

The Todd County Sheriff's Office BWC policy states that officers are prohibited from using personally owned recording devices while on-duty without the express consent of the Chief Deputy.

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 monthly reviews of BWC data to ensure proper labeling 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 under the direction of the Administrative Assistant. Access to WatchGuard Evidence Library is password protected.

The BWC policy governs access to BWC data. Agency personnel are authorized to access BWC in compliance with policy and the Minnesota Data Practices Act. Access to data is captured in the audit log. The BWC policy states that any member who accesses or releases recordings without authorization may be subject to discipline.

When BWC data is deleted, its contents cannot be determined. The Todd County Sheriff's Office has had no security breaches, and a BCA CJIS security audit was conducted in August 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 Todd County Sheriff's Office BWC and Records Maintenance and Release policies govern the sharing of data. BWC data may be shared pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case and in accordance with policy and the Minnesota Data Practices Act. Agencies seeking access to BWC data submit a written request. Written requests are maintained in the case file. Sharing of data is documented in WatchGuard Cloud Share and the records management system case 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 WatchGuard Evidence Library and the active and purged event log reports 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. The audit log and the records managements system case notes 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.

Todd County Sheriff's Office WatchGuard data is stored on a local file server. The server is located in a secure area in the Sheriff's Office, and access to the server is password protected and requires dual authentication.

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 Todd County Sheriff's Office solicited for public comment by notice in the official publication for Todd County. The Todd County Board of Commissioners held a public hearing at their February 4, 2020, 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.

The Todd 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 agency's policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3 (b) with the exception of 626.8473, Subd. 3 (b):

- (1) alter, erasing, destroying any recording or data and metadata related to the recording prior to the expiration of the applicable retention period.
- (3) mandating that officers operate the system in compliance with the policy while performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official.

Discrepancy noted.

This report was prepared exclusively for the Todd 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