

INDEPENDENT AUDIT REPORT

Sheriff Joel Brott
Sherburne County Sheriff's Office
13880 Business Center Dr., Suite 100
Elk River, MN 55330

Dear Sheriff Brott:

An independent audit of the Sherburne County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on November 2, 2020. The objective of the audit was to verify Sherburne 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 Sherburne County Sheriff's Office is located in Elk River, Minnesota, and employs thirty-three (33) peace officers. The Sherburne County Sheriff's Office utilizes WatchGuard Vista body-worn cameras and software. BWC data is stored on a local file server. The audit covers the time period August 30, 2018, through October 31, 2020.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

BWC data is presumptively private. All data collected by the Sherburne County Sheriff's Office during the time period August 30, 2018, through October 31, 2020, is classified as private or non-public data. The Sherburne 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 that the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The Sherburne County Sheriff's Office utilizes the General Records 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 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.

Randomly selected videos from a server Purged Vista Events Report were verified against the record purge date, and each record was deleted in accordance with record retention. Records selected were from the time period August 30, 2018, through October 31, 2020. Deleted BWC video is not accessible in the WatchGuard Evidence Library. The Sherburne County Sheriff's Office has not received a request from a data subject 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.

No discrepancies noted.

Audit Requirement: Access by Data Subjects

Determine that 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 and access may be requested by submission of a Sherburne County Data Request Form. During the audit period, the Sherburne County Sheriff's Office had received no requests to view BWC data but did receive requests for copies of BWC data from data subjects. Data subjects other than the requestor were redacted.

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.

Sherburne County Sheriff's Office BWC inventory consists of thirty-four (34) devices. Device inventory is maintained in the WatchGuard Evidence Library.

The Sherburne County Sheriff's Office has established and enforces a BWC policy that governs the use of portable recording systems by deputies while in the performance of their duties. The Sherburne County Sheriff's Office's BWC policy requires deputies ensure that their BWC is working properly at the beginning of each shift and to promptly report any malfunctions to their supervisor. During implementation, deputies were trained on the use of the BWC system by a WatchGuard trainer and train-the-trainer process. Newly hired officers are trained as part of their field training program.

A review of randomly selected dates from the patrol schedule were verified against the Vista Active and Purged Event Reports and confirmed that recording devices are being deployed and activated by officers.

The total amount of active data is accessible in the WatchGuard Evidence Library. Total amount of active and deleted data is documented in the server Active and Purged Vista Events Reports.

The Sherburne County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention in WatchGuard. BWC video is fully deleted from the local file server upon the scheduled deletion date. Meta data and audit trail information are maintained on the server. BWC data is available upon request, and access may be requested by submission of a Sherburne 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 Sherburne County Sheriff's Office BWC policy states that deputies 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.

Supervisors conduct monthly random reviews of BWC data to ensure proper labeling and compliance with policy.

User access to BWC data is managed by the assignment of group roles and permissions in WatchGuard. Permissions are based on staff work assignments. Agency personnel may access BWC data for legitimate law enforcement or data administration purposes. Agency personnel are prohibited from accessing BWC data for non-business reasons and from sharing the data for non-law-enforcement-related purposes. The agency's BWC policy governs access to and sharing of data. Access to data is captured in the audit trail.

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

The Sherburne County Sheriff's Office has had no security breaches. FBI and BCA CJIS security audits were conducted in 2017.

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 Sherburne County Sheriff's Office BWC policy allows for the sharing of data with other law enforcement agencies, prosecutors, courts and other criminal justice entities as provided by law. Sharing of data is documented in the Records Management System.

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, the server Active Data Report, and the server Purged Data Report document the date and time portable recording system data was collected, the retention period of the data, and the destruction date of the data. The Records Management System documents 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.

Sherburne County Sheriff's Office WatchGuard data is stored on a local file server. The server is located in a secure area, and access to the server is password protected. Server backups are conducted on a daily basis.

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 Sherburne County Board of Commissioners solicited for public comment during a public hearing at their May 22, 2018, 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.

The Sherburne 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.

No discrepancies noted.

This report was prepared exclusively for the County of Sherburne and the Sherburne 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: January 25, 2021

Lynn Lembcke Consulting



Lynn Lembcke