

## INDEPENDENT AUDIT REPORT

Sheriff James Stuart  
Anoka County Sheriff's Office  
13301 Hanson Blvd. NW  
Andover, MN 55304

Dear Sheriff Stuart:

An independent audit of the Anoka County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on February 24, 2021. The objective of the audit was to verify Anoka 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 Anoka County Sheriff's Office employs 150 peace officers. The Anoka County Sheriff's Office utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period May 21, 2018, through February 15, 2021.

### **Audit Requirement: Data Classification**

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

Anoka County Sheriff's Office BWC data is presumptively private. A report produced from Evidence.com for all BWC data collected during the time period May 28, 2018, through February 15, 2021, was created. Anoka County Sheriff's Office had both public and private non-public BWC data. Public data resulted from the discharge of a firearm by a peace officer. The Anoka 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 that the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.*

The Anoka County Sheriff's Office utilizes the Anoka County Records Retention Schedule and agency specified retention periods in Evidence.com. At the conclusion of a BWC recording, officers assign meta data, including an Evidence.com category, to the recording. Each Evidence.com category has an associated retention period. Upon reaching its retention date, evidence is systematically deleted. Deletion of the data is captured in the audit trail.

Randomly selected records from Evidence.com and the Evidence Created Report were reviewed, and the date and time the data was created was verified against the deletion date. Each of the randomly selected records were deleted or maintained in accordance with the Evidence.com record retention. Retention on one category, Non\_Axon, has a corresponding retention period of less than the minimum 90 days required by statute. Records selected were from the time period May 28, 2018, through February 15, 2021.

The Anoka County Sheriff's Office has not received a request from a data subject to retain BWC data beyond the applicable retention period.

The Anoka County Sheriff's Office Technical Analyst monitors BWC data for proper categorization to ensure BWC data are appropriately retained and destroyed.

*Discrepancy 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 an Anoka County Sheriff's Office Data Request Form. During the time period May 28, 2018, through February 15, 2021, the Anoka County Sheriff's Office had received no requests to view BWC data but did fulfill requests for copies of BWC video from data subjects. Data subjects other than the requestor were redacted. A copy of the redacted video is stored in Evidence.com along with the original copy. Data requests are tracked in an Access data base. The Technical Analyst is responsible for reviewing all data prior to its release.

*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.*

Anoka County Sheriff's Office's BWC inventory consists of 127 devices. An inventory search in Evidence.com on February 24, 2021, detailed the 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 home, device status, error status, and firmware version.

A review of randomly selected dates from the patrol schedule were verified against the Evidence.com Evidence Created Report and confirmed that BWC's are being deployed and officers are wearing and activating their BWCs. A review of the total number of BWC videos created per quarter and a comparison of BWC videos with calls for service shows a consistent collection of BWC data.

The Anoka County Sheriff's Office has established and enforces a BWC policy that governs the use of portable recording systems by peace officers while in the performance of their duties. The Technical Analyst conducts monthly random reviews by device, user, video, and sharing activity, and summary reports are submitted to Supervisors. During implementation of the BWC program, peace officers were trained by Axon-trained trainers. New officers are trained on the use of portable recording systems as part of their field training program. The Anoka County Sheriff's Office maintains Axon training videos on their SharePoint site.

The Evidence Created Report and Evidence.com queries detail the total amount of BWC data created, stored/maintained, and deleted.

The Anoka County Sheriff's Office utilizes the Anoka County Record Retention Schedule and agency specified retention periods in Evidence.com.

BWC data is fully deleted from Evidence.com upon reaching its scheduled deletion date. Meta data and audit trails are maintained in Evidence.com after deletion of BWC video and audio.

BWC data is available upon request, and access may be requested by submission of an Anoka 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 Anoka County Sheriff's Office's BWC policy authorizes and requires the use of department issued BWCs, and states that peace officers are prohibited from using personally owned devices while on duty without the express consent of the Shift 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 Technical Analyst monitors meta data assigned to BWC data to ensure accuracy and proper retention.

User access to BWC data is managed by the assignment of roles and permissions in Evidence.com. Roles and Permissions are administered by the Technical Analyst, and permissions are based on staff work assignments. Access to Evidence.com is password protected and requires dual authentication. The agency's BWC and Records Maintenance and Release policies governs access to and sharing of data. Access to and sharing of BWC data is captured in the audit trail.

When BWC data is deleted from Evidence.com, its contents cannot be determined. The Anoka County Sheriff's Office has had no security breaches. A BCA CJIS Security audit was conducted in November, 2019.

*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 Anoka County Sheriff's Office's BWC and Records Maintenance and Release policies govern the sharing of data. Law Enforcement agencies requesting access to not public BWC data submit a written request. Secure electronic sharing of data within Evidence.com is captured in the audit trail. The request for BWC data is documented in an Access data base.

*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.*

Evidence.com and the Evidence.com Evidence Created Report document the date and time portable recording system data were collected and deleted per retention. For the time period May 28, 2018, through February 15, 2021, the Anoka County Sheriff's Office maintains both public and private non-public BWC data. An Access data base, the Evidence.com Shared Report, and the audit trail document how the data are used. The audit trail is maintained in Evidence.com after deletion of video. The Evidence.com audit trail documents each and every

action taken from the creation of the recording to its deletion, as well as access to the audit trail after BWC 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.*

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.*

The Anoka County Sheriff's Office solicited for public comment on their Facebook account. The Anoka County Board of Commissioners solicited for public comment at their March 27, 2018, meeting. The BWC system was implemented May 28, 2018.

*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 Anoka County Sheriff's Office has established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy includes all of the minimum requirements of Minn. Stat. § 626.8473, Subd. 3, with the exception of Subd. 3(b)(8) supervisory or internal audits and reviews. The BWC policy is posted on the agency's website.

*Discrepancy noted.*

This report was prepared exclusively for the Anoka 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: April 8, 2021

Lynn Lembcke Consulting



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Lynn Lembcke



# Office of the Sheriff

**ANOKA COUNTY**  
**SHERIFF JAMES STUART**

May 17, 2021

**TO: Legislative Commission on Data Practices**  
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[sen.karla.bigham@senate.mn](mailto:sen.karla.bigham@senate.mn)  
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**Anoka County Commissioners**  
Commissioner Matt Look  
Commissioner Julie Braastad  
Commissioner Robyn West  
Commissioner Mandy Meisner  
Commissioner Mike Gamache  
Commissioner Jeff Reinert  
Commissioner Scott Schulte

**RE: *Response to Independent Audit Report of Portable Recording System Worn Cameras***

In November of 2020, the Anoka County Sheriff's Office contacted an independent auditor to verify compliance with Minnesota Statutes §§ 13.825 and 626.8473. In January of 2021, an agreement was signed with Lynn Lembcke Consulting, and the audit was conducted on February 24, 2021. The audit process reviewed nine data elements.

The auditor completed her findings and submitted a report in April that noted we were compliant in the following seven areas:

Minnesota Statute § 13.825

- Data Classification
- 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

The auditor found that we were not in compliance in the following areas:

Minnesota Statute § 13.825

- Retention of Data

Minnesota Statute §626.8473

- Body-worn Camera Policy

### **Minnesota Statute § 13.825 – Retention of Data**

The Retention of Data requirement was not met because some users had been selecting the incorrect evidence category, which meant evidence within that category was not retained for the minimum 90 days required by statute. To become compliant, we changed the retention duration for that specific category and now all our retention durations meet the statute for data retention.

### **Minnesota Statute §626.8473 – Body-worn Camera Policy**

The Body-worn Policy requirement was not met because we were missing language in our policy that dealt with supervisory or internal audits and reviews. Even though we were conducting those internal audits and reviews, it was not a part of our policy. That process has since been included into our policy, which is located on our website.

We will continue to utilize independent auditors to help us identify areas we are excelling in and areas we require improvement to meet the statute requirements.

Sincerely,



James Stuart  
Sheriff