

INDEPENDENT AUDIT REPORT

Sheriff David Hutchinson
Hennepin County Sheriff's Office
401 S. 4th Ave.
Minneapolis, MN 55415

Dear Sheriff Hutchinson:

An independent audit of the Hennepin County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on October 4, 2022. The objective of the audit was to verify Hennepin 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 Hennepin County Sheriff's Office has an authorized peace officer count of three hundred sixty-three (363) peace officers. The Hennepin County Sheriff's Office utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the time period January 3, 2020, through September 30, 2022.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

BWC data is presumptively private. All BWC data collected by the Hennepin County Sheriff's Office during the audit period is classified as private or nonpublic data. The Hennepin County Sheriff's Office had no incidents of the discharge of a firearm by a peace officer, 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.

The Hennepin County Sheriff's Office utilizes 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.

A report produced from Evidence.com of all BWC data collected during the time period January 3, 2020, through September 30, 2022, was created. Randomly selected records from the Evidence Created Report were examined, and the date and time the data was created was verified against the deletion date or scheduled deletion date. Each of the records were deleted or maintained in accordance with the Evidence.com record retention. Randomly selected records from the Evidence Created Report were compared to audit trail reports, and each record was deleted or maintained in accordance with the record retention. All records were maintained for at least the minimum 90 days required by statute.

The Hennepin County Sheriff's Office has received Document Preservation requests to maintain BWC data. None of the BWC data referenced in the Document Preservation requests has reached 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 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 Hennepin County Sheriff's Office Data Request Form or through the online data request portal. During the audit period, the Hennepin 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 who had not consented to the release of data were redacted. A copy of the redacted video is stored in Evidence.com along with the original copy. Data is provided to the requestor via Evidence.com link. Release of data is documented in the Evidence.com notes, the audit trail, the Records Management System dissemination log, and the online data request system if applicable.

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.

Hennepin County Sheriff's Office's BWC inventory consists of seven hundred fifty-eight (758) devices. The inventory consists of both assigned and unassigned devices. An inventory search in Evidence.com detailed the number of recording devices owned and maintained by the agency. The inventory included the device model, serial number, device name, and officer assigned to the device, date of last upload, device status, error status, firmware version, and warranty date.

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 shows a consistent collection of BWC data. When comparing total BWC videos created to incidents/calls for service created, the number of BWC videos created consistently exceeds the number of incidents/calls for service.

The Hennepin County Sheriff's Office BWC policy governs the use of BWCs by peace officers while in the performance of their duties. The Department's BWC policy requires officers to ensure the BWC is in good working order and to notify their supervisor of any missing, damaged, or malfunctioning equipment.

Peace officers were trained on the use of BWCs by Axon-trained trainers during implementation. New officers are trained on the use of BWCs as part of their field training program.

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

The Hennepin County Sheriff's Office utilizes 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 audio and video.

BWC data is available upon request. Access may be requested by submission of a Hennepin County Sheriff's Office Data Request Form or through the online data request portal.

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 Hennepin County Sheriff's Office's BWC policy states that deputies shall not use any personally owned recording device to capture audio, video or photographic data while on duty. Only devices issued by the Office are authorized for such use.

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 utilize Axon Performance to conduct monthly random reviews of BWC data to ensure accuracy and compliance with policy.

User access to BWC data is managed by the assignment of roles and permissions in Evidence.com. Roles and Permissions are administered by a Sergeant, and permissions are based on staff work assignments. Not public data is only accessible to those whose work assignment reasonably requires access to data.

Evidence.com is password protected and requires dual authentication. The agency's BWC policy governs access to and sharing of data. The BWC policy states that BWC may be accessed by authorized personnel, provided the access is in the course and scope of the employee's lawful job duties or for other purposes authorized by policy and consistent with State and Federal law. Access to BWC data is captured in the audit trail.

When BWC data is deleted from Evidence.com, its contents cannot be determined. The Hennepin County Sheriff's Office has had no security breaches. A CJIS security audit was conducted in September of 2021.

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 Hennepin County Sheriff's Office BWC policy allows for the sharing of non-public BWC data when necessary for the preparation of civil, criminal or administrative matters, used in court as evidence, provided to an expert for analysis, provided to another law enforcement agency in the scope of their investigation, if required to be provided to another by lawful order, or as may otherwise be required by the Minnesota Government Data Practices Act or other applicable state law.

BWC data is shared by secure electronic case sharing within Evidence.com. Access to and sharing of BWC data is captured in the audit trail. An Evidence.com Evidence Sharing Audit

Report, the Records Management System dissemination log, and the online data request portal provide documentation of 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.

Evidence.com and the Evidence.com Evidence Created Report document the date and time portable recording system data were collected and deleted. The Hennepin County Sheriff's Office maintains only private non-public BWC data. The Records Management System dissemination log, the Evidence.com notes, Shared Report, audit trail, and the online data request portal document how the data are used. The audit trail is maintained in Evidence.com after deletion of video. The 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 video 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. Axon appears on the BCA Vendor Screening Program list of approved and screened vendors and is vetted in accordance with the security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services Division Security Policy.

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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 Hennepin County Sheriff's Office solicited for public comment on the County's website. The Hennepin County Board of Commissioners provided opportunities for public comment at their September 12, 2017, and their October 3, 2017, County Board Meetings.

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.

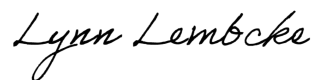
The Hennepin County Sheriff's Office has established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3. The BWC policy is posted on the agency's website.

No discrepancies noted.

This report was prepared exclusively for the Hennepin 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 14, 2022

Lynn Lembcke Consulting



Lynn Lembcke