

INDEPENDENT AUDIT REPORT

Sheriff Brandon Thyen
Chisago County Sheriff's Office
15230 Per Rd.
Center City, MN 55012

Dear Sheriff Thyen:

An independent audit of the Chisago 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 Chisago 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 Chisago County Sheriff's Office employs forty-eight (48) peace officers. The Chisago County Sheriff's Office utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period October 1, 2020, through September 30, 2022.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

BWC data is presumptively private. During the audit period, the Chisago County Sheriff's Office collected BWC data with both public and private or nonpublic data classifications. Public data resulted from the discharge of a firearm by a peace officer. The Chisago 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 if the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The Chisago County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties 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 Evidence Created Report were reviewed, and the date and time the data was created was verified against the deletion date. Records with a category of Training Demo and Transport were deleted in less than the 90 days required by statute early in the audit period. Corrective action had been taken, and records with those categories were maintained for the minimum 90 days required by statute later in the audit period. Randomly selected records from all other categories were deleted or maintained in accordance with the Evidence.com record retention and for at least the minimum 90 days required by statute.

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.

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

Sergeants monitor BWC data for proper categorization to ensure BWC data are appropriately retained and destroyed.

Discrepancy 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 Chisago County Information Disclosure Request form. During the audit period, the Chisago 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. Release of data is documented in the Records Management System 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.

Chisago County Sheriff's Office's BWC inventory consists of fifty-four (54) 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 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 to calls for service shows a consistent collection of BWC data.

The Chisago County Sheriff's Office BWC policy governs the use of portable recording systems 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 functioning properly at the start of their shift. Peace officers noting a malfunction during testing, or at any other time, are required to promptly report the failure to their supervisor.

Peace officers were trained on the use of BWCs during implementation utilizing the Axon Academy online training certificate program. New officers are trained as part of their field training program. Officers recertify on the Axon Academy online training certificate program every two years.

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

The Chisago County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties 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 a Chisago County Information Disclosure 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 Chisago County Sheriff's Office's BWC policy 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.

Sergeants conduct random audits of BWC data to ensure accuracy and compliance with policy. Random audits are documented in Guardian Tracker software.

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

Evidence.com is password protected and requires dual authentication. The agency's BWC and Records Maintenance and Release Policies govern access to and sharing of data. Chisago County Sheriff's Office personnel are prohibited from accessing or sharing BWC data except for legitimate law enforcement or data administration purposes. Access to BWC data is captured in the audit trail.

When BWC data is deleted from Evidence.com, its contents cannot be determined. The Chisago 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 Chisago County Sheriff's Office's BWC policy allows for the sharing of nonpublic BWC data with other law enforcement agencies for legitimate law enforcement purposes only and for the sharing of data with prosecutors, courts and other criminal justice entities as provided by law. BWC data is shared via access to or 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 and the Records Management System notes 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 Chisago County Sheriff's Office maintains both public and private nonpublic BWC data. The Records Management System notes, 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 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. 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. 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.

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 Chisago County Sheriff's Office solicited for public comment through social media and by publication in two local newspapers. The Chisago County Board of Commissioners accepted

public comments at their September 16, 2020, meeting. The BWC system was implemented October 1, 2020.

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.

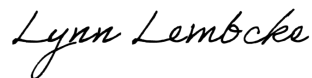
The Chisago County Sheriff's Office has established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3. The BWC policy is posted on the agency's website.

No discrepancies noted.

This report was prepared exclusively for the Chisago 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 5, 2023

Lynn Lembcke Consulting



Lynn Lembcke