

# INDEPENDENT AUDIT REPORT

Sheriff James Kamerud  
Carver County Sheriff's Office  
606 E. Fourth St.  
Chaska, MN 55318

Dear Sheriff Kamerud:

An independent audit of the Carver County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on August 29, 2023. The objective of the audit was to verify Carver 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 Carver County Sheriff's Office employs eighty-four (84) peace officers. The Carver County Sheriff's Office utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period November 1, 2021, through August 15, 2023.

## **Audit Requirement: Data Classification**

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

Carver County Sheriff's Office BWC data is presumptively private. All data collected during the audit period is classified as private or nonpublic data. The Carver 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 Carver 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.

A report was produced from Evidence.com for all BWC data collected during the audit period. Randomly selected records from the Evidence Created Report were reviewed, and the date and time the data was created was verified against the deletion date. Each of the records were deleted or maintained in accordance with the record retention schedule. Randomly selected audit trail reports were compared to the Evidence Created Report and confirmed that each record was deleted or maintained in accordance with the record retention schedule. All records were retained for at least the minimum ninety (90) days required by statute.

The Carver 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.

*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 Carver County Sheriff's Office Request Form for Law Enforcement Data. During the audit period, the Carver 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. A copy of the request form is maintained in the case file and a data request folder.

*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.*

Carver County Sheriff's Office's BWC inventory consists of eighty-four (84) 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, officer assigned to the device, officer badge ID, date of last upload, device status, error status, and firmware version.

The Carver 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 their BWC is in good working order prior to going into service. If an officer becomes aware of a malfunction at any time, they are required to promptly report the malfunction to their supervisor.

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

Officers working on randomly selected dates, and randomly selected calls for service, were verified against Evidence.com and the Evidence Created Report and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs. A comparison between the total number of BWC videos created per quarter and total calls for service shows a consistent collection of BWC data.

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

The Carver 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 Carver County Sheriff's Office Request Form for Law Enforcement Data.

*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 Carver 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 Shift Supervisor.

*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 reviews of BWC data to ensure BWC videos are properly categorized and that BWCs are being used 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 roles and permissions in Evidence.com. Permissions are based on staff work assignments. Roles and Permissions are administered by the Lieutenant. Access to Evidence.com is password protected and requires dual authentication.

The agency's BWC policy governs access to BWC data. Access to BWC data is captured in the audit trail. The BWC policy states that a member who accesses or releases recordings without authorization may be subject to discipline.

When BWC data is deleted from Evidence.com, its contents cannot be determined. The Carver County Sheriff's Office has had no security breaches. A BCA CJIS Security Audit was conducted in January 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 Carver County Sheriff's Office's BWC policy allows for the sharing of non-public data with members of other governmental entities and agencies. Agencies requesting access to BWC data submit a written request. Secure electronic sharing of data within Evidence.com is captured in the audit trail and documented in the Sharing Audit Report. Written requests are maintained in the Records Management System case file.

*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. All BWC data collected during the audit period is classified as private or nonpublic data. The Evidence.com audit trail documents

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 Carver County Sheriff's Office solicited for public comment on their website and Facebook. The Carver County Board of Commissioners held a public hearing at their May 18, 2021, County Board Meeting. The BWC system was implemented on November 1, 2021.

*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 Carver County Sheriff's Office has established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The policy included the minimum requirements of Minn. Stat. § 626.8473, Subd. 3 that were effective prior to August 1, 2023. At the time of the audit, the Carver County Sheriff's Office was working with Lexipol, their policy

management vendor, to incorporate the requirements that became effective August 1, 2023. The BWC policy is posted on the agency's website.

*No discrepancies noted.*

This report was prepared exclusively for the Carver 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: October 14, 2023

Lynn Lembcke Consulting

*Lynn Lembcke*

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Lynn Lembcke