

# INDEPENDENT AUDIT REPORT

Sheriff Luke Hennen  
Scott County Sheriff's Office  
301 Fuller Street So.  
Shakopee, MN 55379

Dear Sheriff Hennen:

An independent audit of the Scott County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on June 11, 2024. The objective of the audit was to verify Scott 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

Scott County Sheriff's Office is located in Shakopee, Minnesota and employs fifty (50) peace officers. Scott County Sheriff's Office utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period April 29, 2022, through May 31, 2024.

## **Audit Requirement: Data Classification**

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

Scott County Sheriff's Office BWC data is presumptively private. All data collected during the audit period is classified as private or nonpublic data. The Scott 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 BWCs are appropriately retained and destroyed in accordance with statutes.*

Scott 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 data is captured in the audit trail. The retention period for one category, Test/Train, was set to less than the ninety (90) days required by statute and policy.

A report was produced from Evidence.com for all BWC data collected during the audit period. 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. Records with the Test/Train category were deleted in less than the ninety (90) days required by statute and policy. Randomly selected records from the Evidence Created Report were verified against audit trail reports, and each record was deleted or maintained in accordance with the record retention.

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

Transcription staff 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 are redacted.*

BWC data is available to data subjects and access may be requested by submission of a data request form or through the GovQA online data request portal. During the audit period, the Scott County Sheriff's Office had received no requests to view BWC video but did receive and fulfill requests for copies of BWC video from data subjects. Data subjects who had not consented to release of the data were redacted. A copy of the redacted video is stored in Evidence.com along with the original copy. The data request is documented in a records management system ICR and the Evidence.com Sharing Audit Report.

*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.*

Scott County Sheriff's Office BWC inventory consists of eighty-three (83) devices. An inventory report produced from Evidence.com detailed the total number of recording devices owned and maintained by the agency. The inventory included the device model, serial number, the officer assigned to the device, device status, firmware version, and area.

Scott 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 conduct a function test of their BWC prior to going into service and to report any malfunction or failure to the supervisor and obtain a functioning BWC as soon as reasonably possible.

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 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 shows a consistent collection of BWC data.

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

The Scott County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention periods in Evidence.com. BWC video 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, and access may be requested by submission of a data request form or through the GovQA 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.*

Scott County Sheriff's Office BWC policy states that officers are prohibited from using personally owned devices for audio or video recording purposes while on duty without the

express consent of a 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 random reviews of BWC data to ensure 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 Access to Evidence.com is password protected and requires dual authentication.

The BWC Policy governs access to BWC data. Agency personnel may access BWC data only when there is a legitimate business need for doing so. Agency personnel are prohibited from accessing, duplicating, or distributing BWC data for non-business reasons. User access to data is captured in the audit trail. The BWC policy states that unauthorized access to or disclosure of BWC data may constitute misconduct and subject personnel to disciplinary action up to and including termination and criminal penalties pursuant to Minn. Stat. § 13.09.

When BWC data is deleted from Evidence.com, its contents cannot be determined. Scott County Sheriff's Office has had no security breaches. A BCA CJIS Security audit was conducted in July of 2024.

*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.*

Scott County Sheriff's Office BWC policy allows for the sharing of data with other law enforcement agencies for legitimate law enforcement purposes that are documented at the time of the disclosure and in accordance with written procedures. Agencies seeking access to BWC data submit a written request. Sharing of data is captured in the Evidence.com audit trail. The Evidence.com Sharing Audit Report provides documentation of shared data. 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.*

Evidence.com and the 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 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.*

Scott County Board of Commissioners held a public hearing at their May 2, 2017, meeting to receive public comments.

*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.*

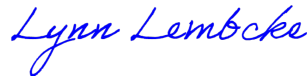
Scott County Sheriff's Office BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3 that were in effect prior to August 1, 2023. It does not include the requirements that became effective on August 1, 2023.

*Discrepancy noted.*

This report was prepared exclusively for the County of Scott and Scott 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: November 17, 2024

Lynn Lembcke Consulting



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Lynn Lembcke