

INDEPENDENT AUDIT REPORT

Sheriff Jesse Thomas
Rice County Sheriff's Office
118 3rd St. NW
Faribault, MN 55021

Dear Sheriff Thomas:

An independent audit of the Rice County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on January 14, 2025. The objective of the audit was to verify Rice 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 Rice County Sheriff's Office is located in Faribault, MN and employs thirty-six (36) peace officers. During the audit period, Rice County Sheriff's Office utilized WatchGuard body-worn cameras and Evidence Library evidence management software and Axon body-worn cameras and Evidence.com cloud-based evidence management storage. BWC data is stored on a local file server. The audit covers the time period December 1, 2022, through December 31, 2024.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

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

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

WatchGuard server log reports and an Evidence.com Evidence Created Report of all BWC data collected and deleted during the audit period were produced. Records were reviewed, and the date and time the data was created was verified against the deletion date. All records were maintained or deleted in accordance with the record retention schedule and were maintained for at least the minimum ninety (90) days required by statute. Randomly selected Evidence.com audit trail reports were verified against the Evidence Created Report, and each record was deleted or maintained in accordance with the record retention.

The Rice 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 are redacted.

BWC data is available to data subjects and access may be requested by submission of a Rice County Sheriff's Office Request for Body Worn Camera Video form. During the audit period, the Rice 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 data were redacted. A copy of the Axon redacted video is stored in Evidence.com along with the original copy. The request form is retained in the records management system.

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.

Rice County Sheriff's Office BWC inventory consists of fifty-one (51) devices. An inventory report produced from Evidence.com detailed the total number of recording devices owned and maintained by the agency. The inventory report included the device model, serial number, device name, officer assigned to the device, date of last upload, device status, error status, firmware version, warranty date, date last docked, and camera state.

The Rice 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 functioning properly at the beginning of each shift. Officers noting a malfunction prior to going into service, or at any other time, are required to notify their supervisor.

Peace officers were trained on the use of Axon portable recording devices during implementation by Axon trained trainers. 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.

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

The Rice County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention periods in WatchGuard and Evidence.com. BWC video is fully deleted upon reaching its scheduled deletion date. Meta data is retained on the WatchGuard local file server and Evidence.com meta data is 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 Rice County Sheriff's Office Request for Body Worn Video 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.

Rice County Sheriff's Office BWC policy states that deputies may use only agency issued BWCs in the performance of their official duties for the agency or when otherwise performing

authorized law enforcement services as an employee of the Rice County Sheriff's Office.

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 monthly reviews of BWC data to ensure BWC data is being 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 WatchGuard and Evidence.com. Permissions are based on staff work assignments. Roles and Permissions are administered by the Evidence Technician. User access to WatchGuard is password protected, and access to Evidence.com is password protected and requires dual authentication.

The agency's BWC and Records Maintenance and Release policies governs access to BWC data. The Sheriff authorizes access to BWC data for legitimate law enforcement and data administration purposes. User access to data is captured in the WatchGuard audit log and the Evidence.com audit trail. The BWC policy states that the unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties.

When BWC video is deleted from WatchGuard and Evidence.com, its contents cannot be determined. Rice County Sheriff's Office has had no security breaches. A BCA CJIS Security audit was conducted in September of 2022.

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 Rice County Sheriff's Office BWC policy allows for the sharing of data with other law enforcement agencies for legitimate law enforcement purposes and with prosecutors, courts, and other criminal justice entities as provided by law. Law enforcement agencies seeking access to BWC data are required to submit a written request. Sharing of data is captured in the audit trail. The Evidence.com Sharing Audit Report and the records management system 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.

WatchGuard server log reports, 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 WatchGuard audit logs, the Evidence.com audit trails, and the records management system documents how the data are used. Evidence.com audit trails are maintained in Evidence.com after deletion of video.

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.

WatchGuard BWC data is stored on a local file server. The server is located in a secure area with limited access.

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 Rice County Sheriff's Office solicited for public comment on the County's website and Facebook. The Rice County Board of Commissioners held a public hearing at their December 28, 2021, meeting.

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 Rice County Sheriff's Office BWC is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The policy included all minimum requirements of Minn. Stat. § 626.8473, Subd. 3(b) with the exception of Subd. 3(b)(2) and (3). The policy was updated to include all minimum requirements prior to the completion and submittal of the final BWC Audit Report.

Discrepancy noted.

This report was prepared exclusively for Rice County and the Rice 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: February 12, 2025

Lynn Lembcke Consulting



Lynn Lembcke