

INDEPENDENT AUDIT REPORT

Sheriff Jeff Nelson
Pine County Sheriff's Office
635 Northridge Dr. NW, Suite 100
Pine City, MN 55063

Dear Sheriff Nelson:

An independent audit of the Pine County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on December 20, 2024. The objective of the audit was to verify Pine 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

Pine County Sheriff's Office employs thirty-five (35) peace officers. Pine County Sheriff's Office utilizes Utility body-worn cameras and Utility Polaris cloud-based evidence management storage. The audit covers the period December 16, 2022, through December 15, 2024.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Pine County Sheriff's Office BWC data is presumptively private. BWC data collected during the audit period includes both public and private or non-public data classifications. Public data resulted from the discharge of a firearm by a peace officer and use of force that resulted in substantial bodily harm. Pine County Sheriff's Office had no 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.

Pine County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention periods in Polaris. At the conclusion of a BWC recording, officers assign metadata, including a Polaris classification, to the recording. Each classification has an associated retention period. Upon reaching its retention date, evidence is systematically deleted.

Incident Search Reports of BWC data collected and deleted during the audit period were provided. The date and time the data was created was verified against the deletion status. Each of the records were deleted or maintained in accordance with the record retention schedule. Randomly selected Chain of Custody reports were compared to Incident Search Reports and all Records were deleted or maintained in accordance with the record retention period. All records were maintained for at least the minimum ninety (90) days required by statute.

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

Sergeants and the Chief Deputy 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 Pine County Sheriff's Office Records Request Form. During the audit period, Pine 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.

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.

Pine County Sheriff's Office's BWC inventory consists of thirty-five (35) devices. Device inventory is maintained in Polaris.

A review of randomly selected dates from the patrol schedule were verified against the Polaris Incident Search Reports 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 month shows a consistent collection of BWC data.

Pine County Sheriff's Office BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. During implementation of the BWC program, peace officers were trained by Utility trainers. Newly hired officers are trained as part of their field training program.

Incident Search reports detail the total amount of BWC data created, stored/maintained, and deleted.

Pine County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention periods in Polaris. BWC data is fully deleted from Polaris upon reaching its scheduled deletion date. Metadata and audit trails are maintained in Polaris after deletion of BWC video and audio. BWC data is available upon request, and access may be requested by submission of a Pine County Sheriff's Office Records 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.

Pine County Sheriff's Office BWC policy authorizes and requires the use of office-issued BWCs.

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 monthly random reviews of BWC data to ensure BWC data is properly categorized and that BWCs are being utilized 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 Polaris. Permissions are based on staff work assignments. Roles and permissions are administered by the Chief Deputy. Access to Polaris is password protected and requires dual authentication.

The agency's BWC policy governs access to BWC data. Agency personnel are authorized to access BWC data only when there is a business need for doing so and prohibited from accessing or sharing BWC data for non-law enforcement related purposes. Access to BWC data is captured in the Chain of Custody. The BWC policy states that unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. § 13.09.

When BWC data is deleted from Polaris, its contents cannot be determined. Pine County Sheriff's Office has had no security breaches. A BCA CJIS security audit was conducted in 2023.

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.

Pine County Sheriff's Office BWC policy allows for the sharing of nonpublic BWC data with other law enforcement agencies for legitimate law enforcement purposes and for the sharing of data 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 Chain of Custody.

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.

Polaris and the Polaris Incident Search Reports document the date and time portable recording system data were collected and deleted. Pine County Sheriff's Office maintains both public and private nonpublic BWC data. The Chain of Custody reports documents how the data are used and shared. The Chain of Custody is maintained in Polaris after deletion of video and 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.

The Utility, Inc. website states that media uploads automatically to CJIS Compliant cloud-based storage. Utility, Inc. partners with AWS. AWS appears on the BCA list of screened IT vendors and vendor products with a condition that the agency or agency vendor manages the encryption keys and AWS employees do not have access to unencrypted data.

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 Pine County Sheriff's Office solicited for public comment on their website. The Pine County Board of Commissioners solicited for public comment at their February 18, 2020, 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.

Pine 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 includes all of the minimum requirements of Minn. Stat. § 626.8473. The BWC policy is posted on the agency's website.

No discrepancies noted.

This report was prepared exclusively for Pine County and the Pine 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 25, 2025

Lynn Lembcke Consulting

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