

# INDEPENDENT AUDIT REPORT

Sheriff Scott Rose  
Dodge County Sheriff's Office  
22 E. 6<sup>th</sup> St. #201  
Mantorville, MN 55955

Dear Sheriff Rose:

An independent audit of the Dodge County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on January 10, 2023. The objective of the audit was to verify Dodge 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 Dodge County Sheriff's Office employs thirty-two (32) peace officers and utilizes WatchGuard/Evidence Library body-worn cameras and software. BWC data is stored on a local file server. The audit covers the time period February 14, 2021, through December 31, 2022.

### **Audit Requirement: Data Classification**

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

All BWC data collected by the Dodge County Sheriff's Office during the audit period is classified as private or nonpublic data. The Dodge County Sheriff's Office had no instances of the discharge of a firearm by a peace officer in the course of duty, use of force by a peace officer 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 Dodge County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention periods in WatchGuard. At the conclusion of a BWC recording, the deputy assigns a WatchGuard category. Each WatchGuard category type has an associated retention period. Upon reaching the retention date, data is systematically deleted. BWC data relating to deaths are burned to disk and maintained permanently. BWC data relating to case files are burned to disk and stored in a digital data evidence file until case disposition.

Server log reports of all BWC data collected and deleted during the audit period were produced. Randomly selected records from the server deleted 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 retention schedule. Retention on several categories, however, was set to less than the ninety (90) days required by statute. Corrective action was taken and retention on those categories was increased to the minimum ninety (90) days required by statute.

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

A captain monitors BWC data for proper categorization to ensure BWC data are appropriately retained and destroyed.

*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 Dodge County Sheriff Office Request for Government Data form. During the audit period, the Dodge County Sheriff's Office had received both requests to view and requests for copies of BWC data from data subjects. Data subjects who had not consented to the release of data were redacted. Requests for BWC data are documented 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.*

Dodge County Sheriff's Office's BWC inventory consists of thirty-two (32) devices. Device inventory is maintained in an Excel spreadsheet.

The Dodge 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 deputies to confirm the device is functioning properly. Deputies noting a malfunction during testing or at any other time must report the malfunction to his/her supervisor and obtain a functioning device as soon as practicable. Deputies were trained on the use of the BWC system by the vendor-trained Captains during implementation. New deputies are trained as part of their field training program.

Calls for service for randomly selected dates were verified against the active and deleted server log reports and confirmed that recording devices are being deployed and deputies 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 total amount of BWC data created, stored/maintained, and deleted is documented in the server log reports and the digital data evidence file.

The Dodge County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention in WatchGuard. BWC video is fully deleted from the Evidence Library and local file server on the scheduled deletion date. Meta data is maintained on the server. BWC data is available upon request, and access may be requested by submission of a Dodge County Sheriff Office Request for Government Data 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 Dodge County Sheriff's Office BWC policy states that deputies are prohibited from using personally owned recording devices while on-duty without the express consent of the Patrol 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.*

The Chief Deputy and Captains conduct 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 WatchGuard. Permissions are based on staff work assignments and are managed by a Captain. Access to WatchGuard Evidence Library is password protected.

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

When BWC data is deleted, its contents cannot be determined. The Dodge County Sheriff's Office has had no security breaches. A BCA CJIS security audit was conducted in June of 2021, and an FBI security audit was conducted in August 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 Dodge County Sheriff's Office BWC policy governs the sharing of BWC data with other governmental entities or agencies. Agencies seeking access to BWC data submit a written request. Sharing of data is documented in the Records Management System and the written request is maintained in the case.

*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.*

The WatchGuard Evidence Library and the server log reports document the date and time BWC data was collected and destroyed. The Records Management System documents how the data are used and shared.

*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.*

Dodge County Sheriff's Office BWC data is stored on a local file server. The server is located in a secure area with access limited to IT. The server is password protected.

*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 Dodge County Sheriff's Office solicited for public comment on the Dodge County website. The Dodge County Board of Commissioners held a public hearing at their February 23, 2021, County Board 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.*

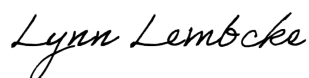
The Dodge County Sheriff's Office's BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The agency's policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3.

*No discrepancies noted.*

This report was prepared exclusively for the Dodge 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 20, 2023

Lynn Lembcke Consulting



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Lynn Lembcke