

INDEPENDENT AUDIT REPORT

Sheriff Troy Wolbersen
Douglas County Sheriff's Office
216 7th Ave. W.
Alexandria, MN 56308

Dear Sheriff Wolbersen:

An independent audit of the Douglas County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on August 26, 2022. The objective of the audit was to verify Douglas 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 Douglas County Sheriff's Office employs thirty-nine (39) peace officers. The Douglas County Sheriff's Office utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the time period July 16, 2020, through August 15, 2022.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Douglas County Sheriff's Office BWC data is presumptively private. All data collected during the audit period is classified as private or nonpublic data. The Douglas 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 Douglas 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 produced from Evidence.com for all BWC data collected during the time period July 16, 2020, through August 15, 2022, was created. Randomly selected records from Evidence.com and the Evidence Created Report were reviewed, and the date and time the data was created was verified against the deletion date. Multiple records with categories of "General CFS-No Report" and "CEW Maintenance" were deleted prior to the minimum ninety (90) days required by statute. All other randomly selected records were maintained in accordance with the record retention and for at least the minimum ninety (90) days required by statute.

The Douglas County Sheriff's Office had received no requests from data subjects to retain BWC data beyond the applicable retention period. Sergeants and Records 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 must be redacted.

BWC data is available to data subjects and access may be requested by submission of a Douglas County Sheriff's Office Request for Information Form. During the time period July 16, 2020, through August 15, 2022, the Douglas County Sheriff's Office had received no requests to view, but did 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. A copy of the request form is maintained in the case file.

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.

Douglas County Sheriff's Office's BWC inventory consists of thirty-three (33) devices. An inventory report from Evidence.com detailed the number of recording devices owned and maintained by the agency. The inventory included the device model, serial number, device name, the officer assigned to the device, the date of last upload, the device status, the error status, and firmware version.

The Douglas County Sheriff's Office BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The Department's BWC policy requires officers to ensure the BWC is in good working order and operational at the start of their shift. Peace officers noting a malfunction during testing, or at any other time, are required to promptly report the malfunction to their supervisor.

Peace officers were trained by Axon-trained trainers during implementation of the BWC program. New officers are trained as part of their field training program.

Randomly selected dates from the patrol schedule were verified against the Evidence.com Evidence Created Report and confirmed that BWCs are being deployed and officers 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 Evidence.com System Usage Dashboard and Evidence.com queries detail the total amount of BWC data created, stored/maintained, and deleted. The Douglas 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 Douglas County Sheriff's Office Request for Information 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 Douglas County Sheriff's Office's BWC policy authorizes and requires the use of department issued BWCs, and states that peace officers are prohibited from using personally

owned devices while on duty without the express consent of the Road/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.

Supervisors conduct monthly random reviews of BWC data to ensure accuracy and compliance with policy. Sergeants and Records staff monitor meta data assigned to BWC data to ensure proper retention.

User access to BWC data is managed by the assignment of roles and permissions in Evidence.com. Roles and Permissions are administered by a Police Sergeant and Records Supervisor. Permissions are based on staff work assignments. Access to Evidence.com is password protected and requires dual authentication.

The agency's BWC policy and Records Maintenance and Release Policy govern access to and sharing of data. Douglas County Sheriff's Office personnel are prohibited from accessing or sharing BWC data except as allowed by policy. Access to BWC data is captured in the audit trail.

When BWC data is deleted from Evidence.com, its contents cannot be determined. The Douglas County Sheriff's Office has had no security breaches. A BCA CJIS security audit was conducted in August of 2020.

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 Douglas County Sheriff's Office's BWC policy allows for the sharing of non-public data with other law enforcement agencies and governmental entities. Agencies seeking access to BWC data must submit a written request. BWC data is shared via secure electronic Case sharing within Evidence.com. Sharing of BWC data is captured in the audit trail. An Evidence.com Sharing Audit Report and the Records Management System Case 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.

Evidence.com and the Evidence.com Evidence Created Report document the date and time portable recording system data were collected and deleted per retention. All BWC data collected from July 16, 2020 through August 15, 2022, is classified as private or nonpublic data. The Evidence.com Sharing Audit Report, the audit trail, and the Records Management System document 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. Axon appears on the BCA Vendor Screening Program list of approved and screened vendors and is vetted in accordance with the security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services Division Security Policy.

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 Douglas County Sheriff's Office solicited for public comment on their website and a survey on August 1, 2017. The Douglas County Board of Commissioners solicited for public comment at their September 5, 2017, meeting. The BWC system was implemented January 1, 2018.

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 Douglas County Sheriff's Office has established and enforces a BWC policy. 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, with the exception of Subd. 3(b)(8) supervisory or internal audits or reviews. The BWC policy is posted on the agency's website.

Discrepancy noted.

This report was prepared exclusively for the Douglas 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 22, 2022

Lynn Lembcke Consulting

Lynn Lembcke

Lynn Lembcke