

# INDEPENDENT AUDIT REPORT

Sheriff Joe Leko  
Dakota County Sheriff's Office  
1580 Hwy. 55  
Hastings, MN 55033

Dear Sheriff Leko:

An independent audit of the Dakota County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on June 9, 2024. The objective of the audit was to verify Dakota 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 Dakota County Sheriff's Office employs eighty-seven (87) licensed peace officers. The Dakota County Sheriff's Office utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the time period June 16, 2022, through June 30, 2024.

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

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

Dakota County Sheriff's Office BWC data is presumptively private or nonpublic. All BWC data collected during the audit period was classified as private or nonpublic data. The Dakota 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 Dakota 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 category has an associated retention period. Upon reaching its retention date, evidence is systematically deleted. Deletion of data is captured in the audit trail.

An Evidence Created 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. Randomly selected audit trail reports were compared to the Evidence Created Report, and each record was deleted or maintained in accordance with the record retention schedule. All records were maintained for at least the minimum 90 days required by statute.

The Dakota 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 must be redacted.*

BWC data is available to data subjects and access may be requested by submission of a Dakota County Sheriff's Office Data Request Form. During the audit period, the Dakota County Sheriff's Office had received no requests to view, but did receive and fulfill requests for copies of, BWC video from data subjects. Data subjects who had not consented to the release of data were redacted. A copy of the redacted video is retained in Evidence.com along with the original video. Data requests are documented in OnBase software.

*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.*

Dakota County Sheriff's Office's BWC inventory consists of one hundred forty-seven (147) devices. An inventory report produced from Evidence.com detailed the number of recording devices owned and maintained by the agency. The inventory report included the device model, serial number, device name, and officer assigned to the device, date of last upload, device status, error status, firmware version, warranty date, date last docked, and camera state.

The Dakota County Sheriff's Office BWC policy governs the use of BWCs by peace officers while in the performance of their duties. The policy requires employees issued BWCs to conduct a function test prior to going into service to ensure their BWC is operating properly, report any malfunction to their supervisor, and obtaining a functioning device as soon as reasonably practicable.

Peace officers were trained on the use of the BWC system during implementation. Newly hired officers are trained as part of their field training program. Peace Officers sign a Training Acknowledgement Form upon completion of training.

Officers working on randomly selected dates, and randomly selected calls for service, were compared to the Evidence Created Report 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 quarter and comparison with calls for service 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 Dakota 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 Data 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.*

The Dakota County Sheriff's Office BWC policy prohibits using non-County sanctioned 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 monthly reviews of BWC data to ensure BWC data is 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 Evidence.com. Roles and Permissions are based on staff work assignments and are administered by the Captains. Access to Evidence.com is password protected and requires dual authentication.

The agency's BWC policy governs access to BWC data. Dakota County Sheriff's Office personnel may access and view BWC data only when there is a legitimate business need for doing so. Personnel are prohibited from accessing, duplicating, or distributing BWC recordings for non-business reasons. Access to BWC data is captured in the audit trail. The BWC policy states that violations of the policy, 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. Statute § 13.09.

When BWC data is deleted from Evidence.com, its contents cannot be determined. The Dakota County Sheriff's Office has had no security breaches. A BCA CJIS security audit was conducted in July of 2021.

*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 Dakota County Sheriff's Office BWC policy allows for the sharing of nonpublic BWC data with other law enforcement agencies only for legitimate law enforcement purposes that are documented at the time of the disclosure and authorized by the Sheriff or his/her designee. Agencies seeking access to BWC data are required to submit a written request. Sharing of data is captured in the audit trail. An Evidence.com Sharing Audit Report provides documentation of all 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. All BWC data collected during the audit period is classified as private or nonpublic data. The Evidence.com Sharing Audit Report, Audit Trails, Post Notes field within Evidence.com, and OnBase software document how the data are used. The audit trail is maintained in Evidence.com after deletion of BWC 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 of the audit trail after BWC data 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.*

The Dakota County Sheriff's Office solicited for and accepted public comments electronically and by mail. The Dakota County Board of Commissioners held a public hearing at their August 20, 2019, County Board meeting. The BWC system was implemented June 4, 2020.

*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 Dakota 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. The BWC policy is posted on the agency's website.

*No discrepancies noted.*

This report was prepared exclusively for the Dakota 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: August 28, 2024

Lynn Lembcke Consulting

*Lynn Lembcke*

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Lynn Lembcke