

INDEPENDENT AUDIT REPORT

Chief Gary Rutherford
Farmington Police Department
19500 Municipal Dr.
Farmington, MN 55024

Dear Chief Rutherford:

An independent audit of the Farmington Police Department's Video Recording Technology (VRT) (body-worn cameras (BWCs)) was conducted on November 13, 2020. The objective of the audit was to verify Farmington Police Department's 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 Farmington Police Department is located in Dakota County, Minnesota and employs twenty-five (25) peace officers. The Farmington Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period August 1, 2018, through October 31, 2020.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

Farmington Police Department BWC data is presumptively private. A report produced from Evidence.com for all BWC data collected during the time period August 1, 2018, through October 31, 2020, was created. All data collected during the specified time period is classified as private or non-public data. The Farmington Police Department 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 that the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The Farmington Police Department utilizes the General Records Retention Schedule for Minnesota Cities 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. Data categorized as Not Evidence has an associated 90-day retention period and is systematically deleted upon reaching retention. Data with any other data classifications is maintained permanently or manually deleted. Deletion of data is captured in the audit trail.

Randomly selected 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. All records were maintained for the minimum 90 days required by statute or longer. Randomly selected records were verified against audit trail reports, and each record was deleted or maintained in accordance with the record retention. Records selected were from the time period August 1, 2018, through October 31, 2020.

The Farmington Police Department had received no requests from data subjects to retain BWC data beyond the applicable retention period.

The agency Records Clerks 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 that 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 and access may be requested by submission of a Farmington Police Department Data Request Form. During the time period August 1, 2018, through October 31, 2020, the Farmington Police Department had received both requests to view BWC data and requests for copies of BWC video from data subjects. Data subjects other than the requestor were redacted. A copy of the redacted video is stored in Evidence.com along with the original copy. Requests from data subjects are documented in Evidence.com notes and the audit trail. A copy of the Data Request Form is maintained in the case file. The Deputy Chief is responsible for reviewing all data prior to its release.

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.

Farmington Police Department's BWC inventory consists of 20 devices. An inventory report from Evidence.com details the number of recording devices owned and maintained by the agency. The inventory included the device model, serial number, device name, and officer assigned to the device, officer badge ID, date of last upload, device status, error status, firmware version, and warranty date.

The Farmington Police Department has established and enforces a Use of Video Recording Technology policy that governs the use of video recording systems by peace officers while in the performance of their duties. The Department's Use of Video Recording Technology policy requires officers to conduct a function test of their BWC at the beginning of each shift and to report any failure to his/her supervisor. Peace officers were trained on the use of the BWC system during implementation. New officers are trained as part of their field training program.

A review of randomly selected dates from the patrol schedule were verified against the Evidence.com Evidence Created Report and confirmed that BWCs are being deployed and used by officers. A review of the total number of BWC videos created per quarter 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 Farmington Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency specified retention periods in Evidence.com. BWC video is fully deleted from Evidence.com upon reaching its scheduled deletion date or when manually deleted. Meta data and audit trails are 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 Farmington Police Department 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 Farmington Police Department's Use of Video Recording Technology policy states that peace officers may use only department issued VRTs in the performance of official duties for the

agency or when otherwise performing authorized law enforcement services as an employee of the department.

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 reviews of BWC data to assess whether use is in accordance with policy. Records Clerks monitor categorization.

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

The agency's BWC policy governs access to and sharing of data. Farmington Police Department personnel are prohibited from accessing or sharing BWC data except for legitimate law enforcement or data administration purposes. The BWC policy requires agency personnel to document their reason for accessing BWC data at the time of each access. User access to BWC data is captured in the audit trail.

The Farmington Police Department has had no security breaches, and the most recent BCA CJIS technology audit was completed March, 2019. When BWC data is deleted from Evidence.com, its contents cannot be determined.

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 Farmington Police Department's BWC policy allows for the sharing of data with other law enforcement agencies for legitimate law enforcement purposes only and for the sharing of data with prosecutors, courts and other criminal justice entities as provided by law. Law enforcement agencies requesting access submit a written request. Secure electronic sharing of data within Evidence.com is captured in the audit trail. Sharing of data is documented in the Evidence.com notes and audit trail.

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 from the time period August 1, 2018, through October 31, 2020, is classified as private or non-public data. The Evidence.com notes, the Evidence.com audit trail, and the Evidence.com Sharing Report 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.

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 Farmington Police Department's BWC system was purchased and implemented prior to the requirement of Minn. Statute § 626.8473, Subd. 2.

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 Farmington Police Department has established and enforces a Use of Video Recording Technology 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. The Use of Video Recording policy is posted on the agency's website.

No discrepancies noted.

This report was prepared exclusively for the City of Farmington and Farmington Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: February 7, 2021

Lynn Lembcke Consulting



Lynn Lembcke