

INDEPENDENT AUDIT REPORT

Chief John Sherwin
Faribault Police Department
25 4th St. SW
Faribault, MN 55021

Dear Chief Sherwin:

An independent audit of the Faribault Police Department's Body Worn Camera System (BWC) was conducted on January 6, 2023. The objective of the audit was to verify Faribault 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 Faribault Police Department is located in Rice County, Minnesota and employs thirty-five (35) peace officers. The Faribault Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period December 1, 2020, through December 31, 2022.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Faribault Police Department's BWC data is presumptively private. All data collected during the audit period is classified as private or nonpublic data. The Faribault 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 if the data collected by BWC's are appropriately retained and destroyed in accordance with statutes.

The Faribault 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. 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 audit period was provided. 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. Randomly selected records were verified against audit trail reports, and each record was deleted or maintained in accordance with the record retention. All records were maintained for the minimum ninety (90) days required by statute.

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

The Records Supervisor monitors 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 Consent to Release Private Data form. During the audit period, the Faribault Police Department had received no requests to view BWC data but did fulfill 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. The Consent to Release Private Data form is maintained in the case file and the request is 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.

Faribault Police Department's BWC inventory consists of twenty-nine (29) devices. An inventory report produced 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, officer assigned to the device, date of last upload, device status, error status, firmware version, and warranty date.

The Faribault Police Department 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 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 by Axon on the use of the portable recording system during implementation, and newly hired officers are trained as part of their field training program.

Randomly selected dates from the patrol schedule and randomly selected calls for service were verified against the Evidence.com Evidence Created Report and confirmed that BWC devices are being deployed and officers are wearing and activating their BWCs. A review of the total number BWC videos created per quarter compared to total calls for service per quarter shows a consistent collection of BWC data.

Evidence.com queries detail the total amount of BWC data created, stored/maintained, and deleted. The Faribault 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. 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 Consent to Release Private 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 Faribault Police Department's BWC policy states that peace officers may use only Agency-issued BWCs in the performance of official duties for the agency.

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 and Captains review specified BWC videos to ensure 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. 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 BWC data. Faribault Police Department personnel are prohibited from accessing or sharing BWC data except for legitimate law enforcement or data administration purposes. User access to BWC data is captured in the audit trail.

When BWC data is deleted from Evidence.com, its contents cannot be determined.

The Faribault Police Department has had no security breaches. A BCA CJIS security audit was conducted in October 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 Faribault 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. Agencies requesting access submit a written request and data is shared via secure electronic sharing in Evidence.com. Sharing of data is captured in the audit trail and is documented in the Evidence.com Sharing Audit Report.

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 Created Report document the date and time portable recording system data were collected and deleted per retention. All BWC data collected during the audit period, is classified as private or nonpublic data. The Evidence.com audit trails, the Evidence Sharing Audit Report, 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 Faribault Police Department solicited for public comment through its Facebook page. An open public forum was held on January 16, 2019. The Faribault City Council approved the body-worn camera policy at their February 12, 2019, meeting, and the BWC program was implemented March 1, 2019.

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 Faribault Police Department 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 City of Faribault and Faribault Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: February 8, 2023

Lynn Lembcke Consulting

Lynn Lembcke

Lynn Lembcke