

# INDEPENDENT AUDIT REPORT

Chief John Sherwin  
Faribault Police Department  
25 4<sup>th</sup> 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 14, 2025. 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. Faribault Police Department utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period January 1, 2022, through December 31, 2024.

## **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. 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.*

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.

An Evidence Created Report of all BWC data collected and deleted during the audit period was produced from Evidence.com. Records from the Evidence Created Report were reviewed, and the date and time the data was created was verified against the deletion date. One record with a category of "Error" was deleted in eighty-five (85) days. All other records were deleted or maintained in accordance with the record retention schedule and were maintained for at least the minimum ninety (90) days required by statute. Randomly selected audit trail reports were verified against the Evidence Created Report, and each record was deleted or maintained in accordance with the record retention schedule.

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.

*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 Faribault Police Department Body Camera Release Form. During the audit period, Faribault Police Department had received both requests to view and requests for copies of BWC video from data subjects. Data subjects who had not consented to the release were redacted. A copy of the redacted video is stored in Evidence.com along with the original copy. The Body Camera Release Form is maintained 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 forty-two (42) devices. An inventory report produced from Evidence.com detailed the total 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, warranty date, date last docked and camera state.

Faribault Police Department's BWC policy governs the use of BWCs by peace officers while in the performance of their duties. The policy requires officers to ensure their BWC is in good working order and to report any malfunction to his/her supervisor and obtain a functioning device as soon as reasonably practicable.

Peace officers were trained by Axon on the use of the portable recording system during implementation. 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 Created Report and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs. A comparison between the total number BWC videos created and calls for service shows a consistent collection of BWC data.

Evidence.com queries detail the total amount of BWC data created, stored/maintained, and deleted. 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 Faribault Police Department Body Camera Release 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.*

Faribault Police Department's BWC policy states that officers are prohibited by using personally owned recording devices while on duty without the express consent of the Shift 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.*

Sergeants and Captains review BWC data to ensure data is properly labeled 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 Evidence.com. Permissions are based on staff work assignments. Roles and permissions are administered by the Investigative Sergeant. Access to Evidence.com is password protected and requires dual authentication.

The BWC policy governs access to BWC data by agency personnel. Personnel are authorized to access BWC data pursuant to lawful process and in compliance with policy, statute, and the Minnesota Data Practices Act. User access to BWC data is captured in the audit trail.

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

Faribault Police Department has had no security breaches. A BCA CJIS security audit was conducted in April, 2024.

*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.*

Faribault Police Department's BWC policy allows for the sharing of data with other law enforcement and governmental entities pursuant to lawful process and in compliance with policy, statute, and the Minnesota Data Practices Act. Law enforcement agencies seeking access to BWC data would be required to submit a written request. BWC 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 and the records management system.

*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. All BWC data collected during the audit period, is classified as private or nonpublic data. The Evidence.com audit trails, the Sharing Audit Report, and the Records Management System document how the data are used.

*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 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.*

Faribault Police Department's BWC policy is posted on the agency's website. The policy was compared to the requirements of Minn. Stat. § 626.8473. The policy included all minimum requirements of Minn. Stat. § 626.8473, Subd. 3(b) with the exception of Subd. 3(b)(3). The

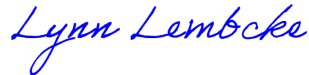
policy was updated to include all minimum requirements prior to the completion and submittal of the final BWC audit report.

*Discrepancy 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 12, 2025

Lynn Lembcke Consulting



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Lynn Lembcke