

INDEPENDENT AUDIT REPORT

Nick Francis
Chief of Police
Apple Valley Police Department
7100 147th St. W.
Apple Valley, MN 55124

Dear Chief Francis:

An independent audit of Apple Valley Police Department's Portable Recording System (body-worn cameras (BWCs)) was conducted on April 22, 2025. The objective of the audit was to verify Apple Valley 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
- Portable Recording System Policy

Apple Valley Police Department is located in Dakota County, Minnesota and authorized for sixty-one (61) peace officers. The Apple Valley Police Department utilizes Panasonic Arbitrator body-worn cameras and Arbitrator 360° Back-End Client evidence management storage. BWC data is stored on a local file server. The audit covers the time period October 1, 2022, through March 31, 2025.

Audit Requirement: Data Classification

Determine that the data collected by BWCs are appropriately classified.

Apple Valley Police Department BWC data is presumptively private. All BWC data collected during the audit period is classified as private or nonpublic data. The Apple Valley Police Department had no instances 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 Apple Valley Police Department utilizes the General Records Retention Schedule for Minnesota Cities and agency-specified retention periods in Arbitrator. Either during, or at the conclusion of a BWC recording, an Arbitrator classification is assigned. Each Arbitrator classification has an associated retention period. Upon reaching the retention date, data is systematically deleted. Deletion of data is captured in the server log.

Server log reports consisting of all BWC data collected and deleted during the audit period were produced. Records from the server log 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 schedule. All records were retained for at least the minimum of 90 days as required by statute.

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

Supervisors and records staff 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 City of Apple Valley Data Request Form. During the audit period, Apple Valley Police Department had received no requests to view BWC data but did receive and fulfill requests for copies of BWC data from data subjects. Data subjects who had not consented to release of data were redacted. Data Request Forms are 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.

Apple Valley Police Department's BWC inventory consists of sixty-one (61) devices. An inventory report produced from Arbitrator 360° Back-End Client details the total number of devices owned by the agency. The inventory included the device name, officer assigned to the device, serial number, device type, firmware version, status, connected date, upload date, disconnected date, configuration group, configuration name, configuration status, configuration last updated, firmware group, firmware status, firmware last updated, active state, and IP address.

Apple Valley 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 perform a function test of their BWC at the beginning of each shift and to report any malfunction discovered during the check, or at any time thereafter, to his/her supervisor.

Peace officers were trained in the use of BWC's during in-service training during implementation. Officers were trained on the BWC4000 system utilizing a PowerPoint presentation. Newly hired officers are trained as part of their field training program.

Officers working on randomly selected dates and randomly selected calls for service were verified against the server log reports and confirmed that BWCs are being deployed and officers are wearing and activating their BWCs. A comparison of total calls for service per quarter to BWC videos created per quarter shows a consistent collection of BWC data.

Arbitrator 360° Back-End Client and the server log reports details the total amount of BWC data created, deleted, and stored/maintained. Apple Valley Police Department utilizes the General Records Retention Schedule for Minnesota cities and agency specified retention in Arbitrator. BWC video is fully deleted from the Arbitrator 360° Back-End Client and the local file server upon reaching the scheduled deletion date. BWC meta data is maintained on the server. BWC data is available upon request, and access may be requested by submission of an Apple Valley 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.

Apple Valley Police Department's BWC policy states that Officers may use only Department-issued BWCs while engaged in the performance of official duties.

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 reviews of BWC data to ensure that BWC data is properly categorized and that BWCs are being used in compliance with policy.

Nonpublic BWC data is only available to department members whose work assignment reasonably requires access to the data. User access to BWC data is managed by the assignment of group roles and permissions in Arbitrator 360° Back-End Client. Permissions are based on staff work assignments. IT, under the direction of the Police Department, is responsible for managing the assignment of user rights.

The agency's BWC policy governs access to BWC data. Personnel are authorized to access BWC data only when there is a business need for doing so and for legitimate law enforcement or data administration purposes only. Access to BWC data is captured in the audit trail. The BWC policy states that the unauthorized access to or disclosure of BWC system data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to MGDPA.

When BWC data is deleted from Arbitrator 360° Back-End Client, its contents cannot be determined. The Apple Valley Police Department has had no security breaches. A BCA CJIS Security Audit was conducted in April of 2024.

No discrepancies noted.

Audit Requirement: Sharing Among Agencies

Determine if nonpublic BWC data shared with other law enforcement agencies, government entities, or federal agencies is in accordance with statute.

Apple Valley Police Department's BWC policy governs the sharing of BWC data. BWC data may be shared with other law enforcement agencies, prosecutors, courts and other criminal justice agencies as provided by law. Agencies seeking access to BWC data are required to submit a written request. Sharing of BWC data is documented in the case file.

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.

The Arbitrator 360° Back-End Client and the database server log reports document the date and time portable recording system data was collected and deleted. All BWC data collected during the audit period is classified as private or nonpublic data. The audit trail and the case file document how the data are used and shared.

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.

Apple Valley Police Department BWC data is stored on a local file server. The server is stored in a secure location and access is password protected. The server is backed up on a continual basis.

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 Apple Valley Police Department solicited for public comment on the agency's website. The Apple Valley City Council held a public hearing at their November 29, 2018, meeting.

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.

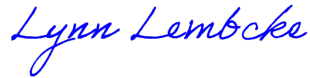
The Apple Valley Police Department has established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The policy includes all minimum requirements of Minn. Stat. § 626.8473, Subd. 3(b). The BWC policy is posted on the agency's website.

No discrepancies noted.

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

Dated: July 14, 2025

Lynn Lembcke Consulting



Lynn Lembcke