# Surveillance Use Policy

Magnet ~~Forensics AXIOM~~Axiom

San Diego Police Department

## PURPOSE

~~The Forensic Technology Unit (FTU) utilizes the Magnet Forensics AXIOM~~ Magnet Axiom is utilized as a data interpretation tool to analyze and categorize data extracted from cell phones.

## USE

The Magnet ~~Forensics AXIOM~~Axiom product is licensed software that can recover, process, and analyze digital evidence that has been extracted from a cell phone. However, ~~the Forensic Technology Unit (FTU) does not use the product~~it is not used to extract, gather, or create data.

Magnet ~~AXIOM~~ Axiom ~~software~~ is only used within the SDPD Crime Laboratory's Forensic Technology Unit (FTU) to interpret data extracted from cell phones. It does not store data and cannot be accessed outside the unit. The analyzed data is not compared against a database or model.

## DATA COLLECTION

This technology does not gather information or data. This software is used on secure computer systems that are not connected to the department network ~~or have Internet access~~.

## DATA ACCESS

Only ~~Criminalists in the~~ FTU members that have completed training and have been authorized by the laboratory Quality Manager ~~to perform extractions~~ may use ~~AXIOM software~~Magnet Axiom. ~~Extracted~~ The data is accessible only by the FTU and the requesting investigator. ~~Extracted~~ The data is stored on SDPD networks which are managed by the FTU and IT/Data Systems analysts.

The resulting report(s) generated from extracted data are only reviewed when proper legal authority has been obtained to review those report(s).

## DATA PROTECTION

Only members of FTU have access to this software and are required to have a unique login and password. Access to FTU is restricted by keycard access and requires a dongle to use the software.

## DATA RETENTION

Other than homicides and violent sexual assaults, where extracted data is kept indefinitely, extracted data is retained based on the statute of limitations for the associated crime or if the case has been adjudicated. Data is purged from the NAS at the end of its retention period.

~~Statute of limitations and case adjudication determine how long interpreted data is kept.~~

## PUBLIC ACCESS

There is no public access to the data analyzed by ~~the~~ Magnet ~~AXIOM software~~Axiom. If a criminal defendant wishes to obtain the interpreted data from ~~the~~ Magnet ~~AXIOM software~~Axiom as it relates to their case, it must be obtained through a court order or the discovery process.

## THIRD PARTY DATA SHARING

Magnet Axiom reports can only be obtained by San Diego Police Department investigators or the District Attorney via a valid search warrant or the court process in accordance with California State Law.  There is no third-party sharing.

## TRAINING

Authorized FTU ~~criminalists~~ users must successfully complete an in-house extensive training program comprised of: literature review; lectures; practical exercises; shadowing; passing a written test, practical tests, and moot court; and completing supervised casework. The training program, which is outlined in the FTU manual,- complies with the American National Standards Institute (ANSI) National Accreditation Board's (ANAB) International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) 17025 Forensic Testing Laboratory standards. To satisfy the on-going requirements of ANAB accreditation, authorized FTU ~~criminalists~~ users are also required to pass annual proficiency tests for each technology utilized.

## AUDITING AND OVERSIGHT

As an ANAB-accredited forensic testing laboratory, FTU is extensively audited annually to ensure that all policies and procedures are followed, and in accordance with the standards set by ANAB. One portion of this is specifically dedicated to auditing a random sampling of each FTU ~~criminalist's~~ user's usage of the tools. Prior to its initial usage in casework, the tool's capabilities and limitations were assessed in a comprehensive validation study. It was approved for casework by the FTU Technical Lead and Crime Laboratory Quality Assurance (QA) Manager. All updates to the software are verified prior to use in casework by FTU analysts. FTU ~~criminalists~~ users also must annually pass a proficiency exam utilizing the Magnet Forensics technology. All qualification records are maintained by the Crime Laboratory's QA Manager.

The Crime Lab's Administrative Support Unit and the FTU supervisor (or designee) ensure that legal authority to search each device is valid. The FTU supervisor authorizes the use of the tools each time a device is assigned to an FTU ~~criminalist~~ user for extraction/analysis. The performance of each tool is monitored by each FTU ~~criminalist~~user, and oversight of the performance of all tools is maintained by the FTU Technical Lead. Every tool usage by an FTU ~~criminalist~~ user is audited by another qualified FTU ~~criminalist~~ user and the FTU supervisor (or designee).

SDPD's Research and Planning Unit audits equipment utilized by FTU annually.

Magnet ~~Forensics AXIOM~~Axiom is software that is installed on computers physically residing in the SDPD Crime Laboratory's Forensic Technology Unit. Key card access is required to enter the FTU. Key card access logs are audited annually.

FTU maintains user logs documenting access to ~~the~~ Magnet ~~Forensics AXIOM software~~Axiom. Misuse of ~~the~~ Magnet ~~Forensics AXIOM~~Axiom, data, or resulting reports, or violations of the laws, the Department Policies, or user agreement terms must be reported to and investigated by the Department and potentially subject the department member to discipline and/or criminal proceedings or civil processes.

## MAINTENANCE

Only authorized FTU ~~criminalists~~ users are able to install ~~the~~ Magnet ~~Forensics AXIOM software~~Axiom and activate it.  The software has been vetted by the City of San Diego's Department of Information~~al~~ Technology ~~Department~~. Updates are performed manually when received from Magnet Forensics. Magnet Forensics notifies FTU when updates are available and provides technical support where necessary.