

# State of Minnesota



## Office of the State Auditor

Julie Blaha  
State Auditor

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### **Olmsted County Sheriff's Office Rochester, Minnesota**

BWC Agreed-Upon Procedures

March 25, 2022

## **Description of the Office of the State Auditor**

The mission of the Office of the State Auditor is to oversee local government finances for Minnesota taxpayers by helping to ensure financial integrity and accountability in local governmental financial activities.

Through financial, compliance, and special audits, the State Auditor oversees and ensures that local government funds are used for the purposes intended by law and that local governments hold themselves to the highest standards of financial accountability.

The State Auditor performs approximately 100 financial and compliance audits per year and has oversight responsibilities for over 3,300 local units of government throughout the state. The office currently maintains five divisions:

**Audit Practice** – conducts financial and legal compliance audits of local governments;

**Government Information** – collects and analyzes financial information for cities, towns, counties, and special districts;

**Legal/Special Investigations** – provides legal analysis and counsel to the Office and responds to outside inquiries about Minnesota local government law; as well as investigates allegations of misfeasance, malfeasance, and nonfeasance in local government;

**Pension** – monitors investment, financial, and actuarial reporting for Minnesota’s local public pension funds; and

**Tax Increment Financing** – promotes compliance and accountability in local governments’ use of tax increment financing through financial and compliance audits.

The State Auditor serves on the State Executive Council, State Board of Investment, Land Exchange Board, Public Employees Retirement Association Board, Minnesota Housing Finance Agency, and the Rural Finance Authority Board.

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# Olmsted County Sheriff's Office Rochester, Minnesota

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**Audit Practice Division  
Office of the State Auditor  
State of Minnesota**



**INDEPENDENT ACCOUNTANT'S REPORT  
ON APPLYING AGREED-UPON PROCEDURES**

Captain Tim Parkin  
Olmsted County Sheriff's Office  
101 – 4th Street Southeast  
Rochester, Minnesota 55904

We have performed the procedures enumerated below, which were agreed to by the Sheriff's Office of Olmsted County, Minnesota, to confirm the Olmsted County Sheriff's Office's compliance with Minn. Stat. §§ 13.825 and 626.8473 regarding Body Worn Cameras (BWCs). Specifically, the agreed-upon procedures used herein were designed to determine whether data currently in the Sheriff's Office's records are classified properly; how the data are used; whether data are being destroyed as required by Minn. Stat. § 13.825; and to determine whether there is compliance with Minn. Stat. § 13.825, subds. 7 and 8. The Olmsted County Sheriff's Office's management is responsible for the Sheriff's Office's compliance with Minn. Stat. §§ 13.825 and 626.8473 regarding BWCs.

The Olmsted County Sheriff's Office has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose regarding compliance with Minn. Stat. §§ 13.825 and 626.8473 regarding BWCs. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and associated findings are as follows:

1. Procedure

Determine that a written policy governing BWC use that is in accordance with Minn. Stat. § 626.8473 is maintained.

Findings

We obtained from the Olmsted County Sheriff's Office a copy of its Body Worn Camera policy (hereinafter BWC policy) and compared it to the requirements of Minn. Stat. § 626.8473. The requirements of this statute are reflected in the Sheriff's Office's BWC policy.

2. Procedure

Determine that access and sharing of the data collected by BWCs is in accordance with statutes.

Findings

The Olmsted County Sheriff's Office uses the AVaiLWeb platform by Utility, Inc. AVaiLWeb uses multifunctional software installed on smartphones for BWC data collection and automatic upload to the cloud for storage, management, review, and sharing. Reports were run on January 25, 2022, from AVaiLWeb for all of the BWC data collected by the Sheriff's Office between December 1, 2019, and November 30, 2021. A sample of 25 videos was haphazardly selected and compared with the Chain of Custody Log to confirm that data was accessed only for a legitimate law enforcement purpose and by persons whose work assignment reasonably requires access to the data. No exceptions were found.

Minnesota Statutes, section 13.825, subdivision 7(b), requires written procedures to ensure that law enforcement personnel have access to BWC data that are not public "only if authorized in writing by the chief of police, sheriff, or head of the law enforcement agency, or their designee, to obtain access to the data for a legitimate, specified law enforcement purpose." The Sheriff's Office's BWC policy states that no employee may have access to the agency's BWC data except for legitimate law enforcement or data administration purposes and, therefore, all members of the Olmsted County Sheriff's Office and administrative personnel that show a legitimate business need to access data, that is not public, is hereby granted by the Sheriff and/or their designee. However, no written procedures regarding the process to obtain written authorization for access to nonpublic portable recording system data have been established. The Olmsted County Sheriff's Office did not have written authorization for any members of the Sheriff's Office and members of other governmental entities and agencies to access nonpublic data.

A report was provided on January 25, 2022, for all BWC recordings shared among other agencies between December 1, 2019, and November 30, 2021. A sample of 25 videos was haphazardly selected and compared with the Chain of Custody Log in the AVaiLWeb system to confirm that all data shared with other agencies was in compliance with Minn. Stat. § 13.825, subd. 8. No exceptions were found.

3. Procedure

Determine that the data collected by BWCs are appropriately classified.

### Findings

Reports were run on January 25, 2022, for all of the BWC data collected by the Olmsted County Sheriff's Office between December 1, 2019, and November 30, 2021. All data was considered nonpublic, and no instances that would require the data to be classified as public according to Minn. Stat. § 13.825, subd. 2(a)(1), were found.

#### 4. Procedure

Determine that the data collected by BWCs are appropriately retained and destroyed in accordance with statutes.

### Findings

Minnesota Statutes, section 13.825, subdivision 3(a), requires BWC data that are not active or inactive criminal investigative data and not subject to Minn. Stat. § 13.825, subd. 3(b), must be maintained for at least 90 days and destroyed according to the Olmsted County Sheriff's Office's Retention Schedule.

Reports were provided on January 25, 2022, from AVaiLWeb for all BWC data deleted by the Olmsted County Sheriff's Office between December 1, 2019, and November 30, 2021. A sample of 25 videos was haphazardly selected, and the time between the creation and deletion dates was compared to the Olmsted County Sheriff's Office's Retention Schedule and for compliance with Minn. Stat. § 13.825, subd. 3. Five of 25 sampled videos were retained for less than 90 days. The five videos were taken due to accidental bumps on the sensor and are not required to be kept for 90 days. No other exceptions were found.

#### 5. Procedure

Determine that a record is maintained and available to the public identifying the total number of devices owned or maintained; a daily record of the total number of recording devices actually deployed and used by officers; the policies and procedures for use of BWCs required by Minn. Stat. § 626.8473; and the total amount of recorded audio and video data collected and maintained, the retention schedule, and the procedures for destruction of the data.

### Findings

Body worn camera data is available upon request, either in person or by submitting a request on the Olmsted County Sheriff's Office's website. A report was generated on January 27, 2022, from AVaiLWeb to show the total number of active BWC devices and to whom they were assigned. All officers are required to wear BWCs while on duty. The patrol schedule was examined to identify the number of BWCs in use on January 25, 2022.

The BWC policy was located on the Olmsted County Sheriff's Office's webpage. A summary report of all recorded audio and video data collected and maintained by the Sheriff's Office between December 1, 2019, and November 30, 2021, was examined. No exceptions were found.

6. Procedure

Determine that records are maintained showing the date and time BWC data were collected and the applicable classification of the data.

Findings

Reports were provided on January 25, 2022, from AVaiLWeb for all of the BWC data collected by the Olmsted County Sheriff's Office between December 1, 2019, and November 30, 2021. A sample of 25 videos was haphazardly selected and compared to the Chain of Custody Log in AVaiLWeb to ensure that the data classification requirements were met. No exceptions were found.

7. Procedure

Determine that data stored by a vendor in the cloud protects the data in accordance with security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services (CJIS) Division Security Policy 5.4 or its successor version.

Findings

A Master Agreement between the Olmsted County Sheriff's Office and Utility, Inc., included language that stated that Amazon Web Services, the host of AVaiLWeb, was in compliance with the CJIS policy.

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We were engaged by the Olmsted County Sheriff's Office to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not, conduct an examination or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on the Olmsted County Sheriff's Office's compliance with Minn. Stat. §§ 13.825 and 626.8473 regarding BWCs. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Olmsted County Sheriff's Office and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the Olmsted County Sheriff's Office and is not intended to be, and should not be, used by anyone other than the specified party.

*/s/Julie Blaha*

JULIE BLAHA  
STATE AUDITOR

*/s/Dianne Syverson*

DIANNE SYVERSON, CPA  
DEPUTY STATE AUDITOR

March 25, 2022