

STATE OF MINNESOTA

Office of the State Auditor



Julie Blaha
State Auditor

SWIFT COUNTY SHERIFF'S OFFICE
BENSON, MINNESOTA

AGREED-UPON PROCEDURES

MARCH 1, 2019

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 approximately 600 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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BENSON, MINNESOTA**

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

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INDEPENDENT AUDITOR'S REPORT ON APPLYING AGREED-UPON PROCEDURES

The Honorable John Holtz
Sheriff, Swift County
Law Enforcement Center, Suite 4
301 – 14th Street North
Benson, Minnesota 56215

We have performed the procedures enumerated below, which were agreed to by the Sheriff's Office of Swift County, Minnesota, to confirm the Swift 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 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 Swift County Sheriff's Office's management is responsible for the Office's compliance with Minn. Stat. §§ 13.825 and 626.8473 regarding BWCs. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of the Swift County Sheriff's Office. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

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 Swift County Sheriff's Office a copy of its Portable Audio/Video Recorders policy and a copy of its Mobile Video Recorders policy, which include BWCs (hereinafter BWC policy), and compared it to the requirements of Minn. Stat. § 626.8473. The requirements of this statute are reflected in the Office's BWC policy, except the policy does not incorporate the following requirements:

- Minn. Stat. § 626.8473, subd. 3(b)(2), procedures for testing the portable recording system to ensure adequate functioning; and

- Minn. Stat. § 626.8473, subd. 3(b)(3), procedures to address a system malfunction or failure, including requirements for documentation by the officer using the system at the time of malfunction or failure.

Minnesota Statutes, section 626.8473, subdivision 3(a), requires a local law enforcement agency to post its written portable recording system policy on the agency's website. The Swift County Sheriff's Office's BWC policy was not posted on its website as of the date of the onsite procedures, December 10, 2018.

2. Procedure

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

Findings

The Swift County Sheriff's Office uses the WatchGuard 4RE system, which is an integrated squad car camera and body worn camera video system, along with Evidence Library 4 Web, which is an on-premise digital evidence system for BWC data storage, management, review, and sharing. A sample of 25 videos between April 1, 2017, and December 10, 2018, was haphazardly selected directly from the Evidence Library 4 Web system. Audit Logs for these videos were later generated from the Evidence Library 4 Web system 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 Office's BWC policy designates the Chief Deputy as the Sheriff's designee to establish procedures for accessing the data and recordings. However, no written procedures regarding the process to obtain written authorization for access to nonpublic portable recording system data have been established. The Swift County Sheriff's Office did not have written authorization for any members of the Office and members of other governmental entities and agencies to access nonpublic data.

Records staff in the Swift County Sheriff's Office maintains a folder on the records computer of all cases shared with other agencies. A sample of eight recordings between April 1, 2017, and December 10, 2018, was haphazardly selected and compared with the dissemination section of the Law Enforcement Technology Group (LETG) 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

Upon inspection of the Evidence Library 4 Web system of all data collected by the Swift County Sheriff's Office between April 1, 2017, and December 10, 2018, all data was considered nonpublic; 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 Swift County Sheriff's Office's Retention Schedule. The Office's Retention Schedule was in draft form as of the date of the onsite procedures, December 10, 2018.

The category assigned by the deputy in the WatchGuard system determines how long a video is to be retained per the retention schedule. No record of a video exists once the video is deleted from the Evidence Library 4 Web system. Therefore, a listing of deleted data could not be generated to compare with the Office's Retention Schedule or to test for compliance with Minn. Stat. § 13.825, subd. 3. During our review of active data, we found one video was deleted that should have been kept indefinitely based on the category assigned. We also found that the Chief Deputy had the ability to delete videos.

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 and policies are available upon request and in person at the Swift County Law Enforcement Center. A log is maintained by the Swift County Sheriff's Office to show the 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 December 10, 2018. All recorded audio and video data collected and maintained by the Office on December 10, 2018, 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

A sample of 25 videos between April 1, 2017, and December 10, 2018, was haphazardly selected directly from the Evidence Library 4 Web system. Audit Logs for these videos were later generated from the Evidence Library 4 Web system 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 Division Security Policy 5.4 or its successor version.

Findings

The Swift County Sheriff's Office does not use a cloud-based version of WatchGuard to store data. All BWC data is stored on servers located at the County.

* * * * *

We were not engaged to, and did not, conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Swift 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.

This report is intended solely for the information and use of Swift County 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/Greg Hierlinger

GREG HIERLINGER, CPA
DEPUTY STATE AUDITOR

March 1, 2019