

# State of Minnesota



## Office of the State Auditor

Julie Blaha  
State Auditor

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### **City of Stillwater Police Department Stillwater, Minnesota**

Agreed-Upon Procedures

November 12, 2021

## **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.

Office of the State Auditor  
525 Park Street, Suite 500  
Saint Paul, Minnesota 55103  
(651) 296-2551  
state.auditor@osa.state.mn.us  
www.osa.state.mn.us

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**City of Stillwater  
Police Department  
Stillwater, 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**

Brian Mueller, Police Chief  
City of Stillwater Police Department  
216 – 4th Street North  
Stillwater, Minnesota 55082

We have performed the procedures enumerated below, which were agreed to by the Police Department of the City of Stillwater, Minnesota, to confirm the Stillwater Police Department'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 Department'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, subs. 7 and 8. The Stillwater Police Department's management is responsible for the Department's compliance with Minn. Stat. §§ 13.825 and 626.8473 regarding BWCs.

The Stillwater Police Department 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 Stillwater Police Department a copy of its Portable Audio/Video Recorders (Body Cameras) policy (hereinafter BWC policy) and compared it to the requirements of Minn. Stat. § 626.8473. The requirements of this statute are reflected in the Department's BWC policy.

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, if the agency has a website. The Stillwater Police Department has a website, and the BWC policy was not posted on the website as of the date of the onsite procedures, October 27, 2021.

2. Procedure

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

Findings

The Stillwater Police Department uses the Visual Labs platform. Visual Labs uses multifunctional software installed on smartphones for BWC data collection and automatic upload to the cloud for storage, management, review, and sharing. A sample of 30 videos between October 20, 2019, and October 20, 2021, was haphazardly selected from the Visual Labs platform, and the Audit Log was examined 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.

A sample of 25 videos between October 20, 2019, and October 20, 2021, was haphazardly selected from the Visual Labs platform. The Audit Log and supporting documentation maintained by the Stillwater Police Department was examined 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

Visual inspection of the Visual Labs platform was performed on October 27, 2021, for all of the BWC data collected by the Stillwater Police Department between October 20, 2019, and October 20, 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 City of Stillwater's General Records Retention Schedule.

A report was run on October 22, 2021, from Visual Labs for all of the BWC data manually purged by the Stillwater Police Department between October 20, 2019, and October 20, 2021. Per the report, no videos were manually purged by the Stillwater Police Department during that period. Videos within Visual Labs have a default retention period of 180 days, unless changed to "indefinite" by the Stillwater Police Department.

### 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 the Stillwater Police Department's BWC policy are available upon request, either in person or by submitting a request through mail or email to the Stillwater Police Department. A report was run on October 27, 2021, from Visual Labs to show the total number of active BWC devices and to whom they were assigned. All officers are required to wear BWCs while on patrol. The patrol schedule was examined to identify the number of BWCs in use on October 27, 2021. A summary report of all BWC data collected and maintained by the Department between October 20, 2019, and October 20, 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

A sample of 30 videos between October 20, 2019, and October 20, 2021, was haphazardly selected from the Visual Labs platform, and the Audit Log was examined 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

The contract between the City of Stillwater and Visual Labs, Inc., included language that stated that Visual Labs, Inc., was in compliance with the CJIS policy.

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We were engaged by the Stillwater Police Department 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 Stillwater Police Department'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 Stillwater Police Department 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 City of Stillwater and is not intended to be, and should not be, used by anyone other than the specified party.

*/s/Julie Blaha*

*/s/Dianne Syverson*

JULIE BLAHA  
STATE AUDITOR

DIANNE SYVERSON, CPA  
DEPUTY STATE AUDITOR

November 12, 2021