

State of Minnesota



Office of the State Auditor

Julie Blaha
State Auditor

City of Rochester Police Department Rochester, Minnesota

Agreed-Upon Procedures

November 10, 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.

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Police Department
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**

John Sherwin, Captain
City of Rochester Police Department
4001 West River Parkway Northwest
Rochester, Minnesota 55901

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

The Rochester 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 Rochester Police Department a copy of its Portable Audio/Video Recorders 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.

2. Procedure

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

Findings

The Rochester Police Department uses Axon's Evidence.com system, which is a cloud-based digital evidence system for BWC data storage, management, review, and sharing. A report was run on October 26, 2021, from Evidence.com for all of the BWC data collected by the Department between July 20, 2019, and July 30, 2021. A sample of 25 videos was haphazardly selected and compared with the Audit Trail in Evidence.com 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 report was run on October 26, 2021, from Evidence.com for all BWC recordings shared among other agencies between July 20, 2019, and July 30, 2021. A sample of 25 videos was haphazardly selected and compared with the Audit Trail in Evidence.com 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

A report was run on October 26, 2021, from Evidence.com for all of the BWC data collected by the Rochester Police Department between July 20, 2019, and July 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 City of Rochester's General Records Retention Schedule.

A report was run on October 26, 2021, from Evidence.com for all of the BWC data deleted by the Rochester Police Department between July 20, 2019, and July 30, 2021. A sample of 25 videos was haphazardly selected, and the time between the creation and deletion dates was compared to the City of Rochester's General Records Retention Schedule and for compliance with Minn. Stat. § 13.825, subd. 3. No 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 written request via fax or mail. A report was run on October 26, 2021, from Evidence.com 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 October 26, 2021.

The BWC policy was located on the Rochester Police Department's webpage. A summary report of all recorded audio and video data collected and maintained by the Department between July 20, 2019, and July 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

A report was run on October 26, 2021, from Evidence.com for all of the BWC data collected by the Rochester Police Department between July 20, 2019, and July 30, 2021. A sample of 25 videos was haphazardly selected and compared to the Audit Trail in Evidence.com 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 City of Rochester and Evidence.com included language that stated that Evidence.com was in compliance with the CJIS policy. Also, Axon has demonstrated compliance with this policy through a CJIS Whitepaper and has been independently validated by CJIS ACE, part of Diverse Computing, Inc. Diverse Computing, Inc., is a third-party law enforcement and criminal justice software company.

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We were engaged by the Rochester 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 Rochester 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 Rochester 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 Rochester and is not intended to be, and should not be, used by anyone other than the specified party.

/s/Julie Blaha

/s/Dianne Syverson

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DIANNE SYVERSON, CPA
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November 10, 2021