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# Olmsted County Sheriff's Office 2024 Body-Worn Camera (BWC) Audit

## Executive Summary Report

Olmsted County Sheriff's Office

May 7, 2024



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## **Background:**

Olmsted County Sheriff's Office retained Minnesota Security Consortium to audit its agency's use of Body-Worn Camera (BWC, see Definitions Section below) program against the requirements of Minn. Stat. § 13.825 and Minn. Stat. § 626.8473. The Minnesota Security Consortium does not operate or have access to their BWC systems, therefore allowing it to audit the systems as an independent auditor. The Olmsted County Sheriff's Office provided their administrative access to the Polaris system during the audit to review audit criteria. Interviews and auditing of the Polaris system were conducted with the Olmsted County Captain and the Olmsted County Support Technician of the Investigations Department.

## **Definitions:**

For the purposes of this audit and report, the use of the term Body-Worn Camera (BWC) systems shall be the same as the State Statute definition of "Portable Recording Systems," as defined by Minn. Stat. § 13.825, Subd. 1 (b) as follows:

"portable recording system" means a device worn by a peace Deputy that is capable of both video and audio recording of the Deputy's activities and interactions with others or collecting digital multimedia evidence as part of an investigation

"portable recording system data" means audio or video data collected by a portable recording system.

"redact" means to blur video or distort audio so that the identity of the subject in a recording is obscured sufficiently to render the subject unidentifiable.

## **Audit Period and Scope:**

The Audit Period covered by this report covers the period 12/1/21 to 12/31/23.

Olmsted County Sheriff's Office uses the cloud-based Polaris system for its BWC program. Although their Polaris system records both in-squad cameras as well as BWC videos, the scope of the audit focused only on BWC video data.

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## **Required Public Hearing:**

Pursuant to Minn. Stat. § 626.8473, Subd. 2, Olmsted County Sheriff's Office allowed for public comment regarding its new BWC Program. It's original posting was on their public Facebook page and website in November of 2016.

Community input was possible at the Olmsted County Commissioners Meeting on January 3, 2017. Notice of the meeting was published in the Board Agenda ahead of time. Board Minutes of this meeting were provided to us and reviewed during the audit.

## **Policy**

Olmsted County Sheriff's Office has a BWC Policy in place entitled, "Policy 335: Body Worn Camera (BWC) Policy." Their Policy was reviewed to ensure that it contained the required elements as outlined in Minn. Stat. § 626.8473, Subd. 3.

Olmsted County Sheriff's Office was compliant in this part of the statute.

## **Deputy use of BWC Equipment**

Olmsted County Sheriff's Office "Policy 335: Body Worn Camera (BWC) Policy" requires that Deputies wear their BWC equipment and activate it during specific instances.

Approximately 61 Random Samples of dispatch Calls for Service we compared to the Polaris video library to determine if they had been recording videos during those calls in accordance with their policy. In virtually all cases, each Patrol Deputy appeared to be using their BWC appropriately and activating recordings as outlined in the policy section entitled, "Policy 335: Body Worn Camera (BWC) Policy."

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## **Data Classification and Retention**

Olmsted County Sheriff's Office treats BWC data as private unless it is permitted to be released in accordance with the provisions of Stat. § 13.825, Subd. 2.

At the time of the audit, no Court mandated BWC data disclosures had been made.

Olmsted County Sheriff's Office set up its data classification and retention schedule for BWC videos in the administrative settings with Polaris. BWC Data is currently retained for a minimum of 90 Days, as required by Minn. Stat. §13.825, Subd. 3 (a).

When the BWC Data involves the use of force, discharge of a firearm by a Deputy, or when the event triggers a formal complaint against the peace Deputy, the BWC Data is retained for a minimum of 1 year in accordance with Minn. Stat. §13.825, Subd. 3 (b). At the time of the audit, Olmsted County Sheriff's Office has set that Retention Period for these two types of incidents to "Administrative."

In addition, all BWC footage related to discharge of a firearm by a peace Deputy in the course of duty as defined by Minn. Stat. § 626.8473, Subd. 2 (1), was reviewed during the audit, due to the sensitive nature of these events. In all cases, the classification of the BWC Data would be set to "Administrative." There was one reported Discharge of Firearms call during this audit period. All Deputies appeared to have conformed to the BWC Policy.

In addition, on specific types of Calls for Service (CFS), The Olmsted County Sheriff's Office Records Staff also reviews related BWC videos to ensure they all related videos have the same classification. Any modifications to the Classification are auditable in the Polaris audit trail. Sampled BWC data was examined for Modifications to Classification tags. In cases where the Records Department or a Deputy Supervisor made a change in the Classification, it was done to make the Classification consistent to the remaining BWC videos related to the same case. The Polaris audit trail indicated who and when the re-classification was made.

BWC Data was sampled and audited across the audit period, including portions of January 2022, May 2022, July 2023, and December 2023.

Olmsted County Sheriff's Office was compliant with its Classification and Retention requirements based on Statute, Minn. Stat. § 626.8473, Subd. 2. And Subd. 3.

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## **Access by Data Subjects:**

Olmsted County Sheriff's Office processes public BWC data requests via in-person or mail. The procedures are posted on their public website:

<https://www.rochestermn.gov/government/departments/police/contact-us/request-records>

Olmsted County Sheriff's Office stated they appropriately redact BWC Data when released to Data Subjects.

Olmsted County Sheriff's Office was compliant with this aspect of the Statute.

## **Use of Agency-Issued BWC:**

Minn. Stat. § 13.825, Subd. 6 states that:

“While on duty, a peace officer may only use a portable recording system issued and maintained by the officer's agency in documenting the officer's activities.”

Olmsted County Sheriff's Office “Policy 335: Body Worn Camera (BWC) Policy,” section 335.5 states:

“Deputies may use only agency issued BWC's in the performance of their official duties for the agency or when otherwise performing authorized law enforcement services as an employee of the Olmsted County Sheriff's Office (MSS #13.825 Sub.6).”

Olmsted County Sheriff's Office was compliant with this aspect of the Statute.

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## **Authorization to Access Data:**

Olmsted County Sheriff's Office allows its Deputies to review non-public BWC data for legitimate, specified law enforcement purposes. Access is enforced using user accounts and roles/rights in the Polaris system.

BWC Data was sampled and audited across the audit period, including portions of January 2022, May 2022, July 2023, and December 2023. Results of sampling the BWC Data and its related audit trail in the Polaris system, showed that it was either not viewed at all, viewed by the Deputy who recorded the data, or by a Deputy supervisor.

All views and access were consistent with Olmsted County Sheriff's Office "Policy 335: Body Worn Camera (BWC) Policy" and Minn. Stat. § 13.825 Subd. 7, as authorized by the Sheriff.

## **Sharing Among Agencies:**

Olmsted County Sheriff's Office treats BWC as private and may only share BWC data with other agencies when permitted by Minn. Stat. § 13.825, Subd. 8 and Subd. 7.

Olmsted County Sheriff's Office processes BWC data requests by other Agencies and is documented by the Records Department. The request for BWC footage requires that they have a legitimate, specified law enforcement purpose, as required by Minn. Stat. § 13.825, Subd. 7.

Olmsted County Sheriff's Office was compliant with these aspects of the Statute.

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## **Biennial Audits:**

This was Olmsted County Sheriff's Office first BWC audit conducted by the Minnesota Security Consortium. This audit period, 12/1/21 to 12/31/23, covers a longer than two-year period. Delays are due to post-covid issues, but the agency is now on track for a strict two-year audit schedule. Olmsted County Sheriff's Office has acknowledged that it intends to continue completing biennial audits of its BWC System, as required by Minn. Stat. § 13.825, Subd. 9.

## **BWC System Vendors:**

At the time of the audit, Polaris was the primary vendor and system for their BWC program. BWC videos were recorded, classified, and stored in Polaris cloud-based system.

Because the Polaris Cloud is a cloud-based solution, it is subject to the requirements of Minn. Stat. § 13.825, Subd. 11 (b), which requires Polaris to follow the requirements of the FBI's CJIS Policy 5.9.4 and subsequent versions. Polaris provided us with a CJIS compliancy document outlining some important aspects of its CJIS compliancy. Since the cloud storage is in an Amazon Cloud instance, we were provided with its AWS CJIS compliance document,

[AWS\\_Certifications\\_Programs\\_Reports\\_Third-Party\\_Attestations \(1\).pdf](#)

At the time of this audit, the BCA was in the process of reviewing any additional requirements for BWC vendors.

Olmsted County Sheriff's Office was compliant with this aspect of the Statute.

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## **Conclusion:**

Based on the results of the Olmsted County Sheriff's Office BWC Audit conducted by Minnesota Security Consortium, we can demonstrate that they are using the Polaris BWC System in accordance with the requirements of Minn. Stat. § 13.825 and Minn. Stat. § 626.8473.

This Audit was conducted and attested to by:



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Dimitrios Hilton

Senior Auditor, Minnesota Security Consortium

Submitted to:

- Olmsted County Sheriff's Office
- Olmsted County Commissioners
- Legislative Commission on Data Practices and Personal Data Privacy
- Required Legislative members as specified by Statute