

State of Minnesota



Office of the State Auditor

Julie Blaha
State Auditor

Olmsted County Sheriff's Office
City of Rochester Police Department
Rochester, Minnesota

Agreed-Upon Procedures

October 1, 2020

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

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INDEPENDENT AUDITOR'S REPORT ON APPLYING AGREED-UPON PROCEDURES

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

Captain John Sherwin
City of Rochester Police Department
201 – 4th Street Southeast
Rochester, Minnesota 55904

We have performed the procedures enumerated below, which were agreed to by the Olmsted County Sheriff's Office and the City of Rochester Police Department, to confirm the Olmsted County Sheriff's Office's and the City of Rochester Police Department's compliance with Minn. Stat. §§ 13.824 and 626.8472 regarding Automated License Plate Readers (ALPRs). Specifically, the agreed-upon procedures used herein were designed to determine whether data currently in the Olmsted County Sheriff's Office's and the City of Rochester Police Department's records are classified properly; how the data are used; whether data are being destroyed as required by Minn. Stat. § 13.824; and to determine whether there is compliance with Minn. Stat. § 13.824, subd. 7. The Olmsted County Sheriff's Office's and the City of Rochester Police Department's management are responsible for the Olmsted County Sheriff's Office's and the City of Rochester Police Department's compliance with Minn. Stat. §§ 13.824 and 626.8472 regarding ALPRs. 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 Olmsted County Sheriff's Office and the City of Rochester Police Department. 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 ALPR use that incorporates the requirements of Minn. Stat. § 13.824 and the employee discipline standards for unauthorized access to data exists and is enforced.

Findings

We obtained copies of the Olmsted County Sheriff's Office's and the City of Rochester Police Department's ALPR policies and compared them to the requirements of Minn. Stat. § 13.824. All the requirements of this statute are reflected in the Olmsted County Sheriff's Office's and the City of Rochester Police Department's policies, including references regarding unauthorized access or use of ALPR data and corresponding discipline, should a breach occur, except that the Olmsted County Sheriff's Office's policy does not address the following requirements in their entirety:

- Minnesota Statutes, section 13.824, subdivision 3(b), states, "Upon written request from an individual who is the subject of a pending criminal charge or complaint, along with the case or complaint number and a statement that the data may be used as exculpatory evidence, data otherwise subject to destruction under paragraph (a) must be preserved by the law enforcement agency until the criminal charge or complaint is resolved or dismissed."
- Minnesota Statutes, section 13.824, subdivision 3(c), states, "Upon written request from a program participant under chapter 5B, automated license plate reader data related to the program participant must be destroyed at the time of collection or upon receipt of the request, whichever occurs later, unless the data are active criminal investigative data. The existence of a request submitted under this paragraph is private data on individuals."

2. Procedure

Determine that the data collected by ALPRs are limited in accordance with statutes.

Findings

The Olmsted County Sheriff's Office and the City of Rochester Police Department use the PIPS Technology system. ALPRs have been in use since 2015; the Olmsted County Sheriff's Office currently operates four mobile ALPRs, and the Rochester Police Department currently operates ten mobile ALPRs. A report was run from PIPS on August 11, 2020, for all of the license plate hit data currently retained by the Olmsted County Sheriff's Office and the City of Rochester Police Department. There were 379 license plate hits by the Olmsted County Sheriff's Office and 3,829 license plate hits by the Rochester Police Department within the previous 60 days. Ten license plate hits from each entity were haphazardly selected for testing. Minnesota Statutes, section 13.824, subd. 2(a), limits the data collected by ALPRs to license plate numbers; date, time, and location data on vehicles; and pictures of license plates, vehicles, and areas surrounding the vehicles. We inspected the sample data from PIPS to confirm that only the data allowed was collected by the Olmsted County Sheriff's Office and the City of Rochester Police Department. No exceptions were noted for the items inspected.

3. Procedure

Determine that the data collected by ALPRs are appropriately classified.

Findings

The Olmsted County Sheriff's Office's and the City of Rochester Police Department's policies recognize that ALPR data collected will be safeguarded and protected. The Olmsted County Sheriff's Office and the City of Rochester Police Department informed us that they did not receive any public requests for ALPR data between August 13, 2018, and August 13, 2020.

We inspected the audit trail report for the period August 13, 2018, to August 13, 2020. During this period, no instances of exporting ALPR data were observed. There were 1,770 license plate searches of ALPR data performed by the Olmsted County Sheriff's Office and the City of Rochester Police Department staff during this period; we inspected 25 of these searches. No ALPR data was identified as being shared with outside agencies.

4. Procedure

Determine that a public log of use is maintained in accordance with statutes.

Findings

The audit trail report was run from PIPS on August 13, 2020, for the period August 13, 2018, to August 13, 2020. We inspected the audit trail report and noted that the report was able to provide all the data as required by Minn. Stat. § 13.824, subd. 5(a).

Additionally, the Olmsted County Sheriff's Office and the City of Rochester Police Department can generate a summarized log with all the data as required by Minn. Stat. § 13.824, subd. 5(a), however it only contains data from the previous 60 days.

The Olmsted County Sheriff's Office and the City of Rochester Police Department have not owned or used a fixed stationary ALPR.

5. Procedure

Determine that, if used, a list of current and previous locations of fixed stationary ALPRs is maintained along with notification of such to the Bureau of Criminal Apprehension.

Findings

The Olmsted County Sheriff's Office and the City of Rochester Police Department have not owned or used a fixed stationary ALPR.

6. Procedure

Determine that the data collected by ALPRs is safeguarded, allowing role-based access for use with a legitimate, documented law enforcement purpose as authorized in writing.

Findings

A user access report was run from PIPS on August 11, 2020. The user access list was restricted to individuals within the Olmsted County Sheriff's Office and the City of Rochester Police Department based on their official roles.

The audit trail report for the period August 13, 2018, to August 13, 2020, was inspected. During this period, there were 1,770 license plate searches of ALPR data performed by the Olmsted County Sheriff's Office and the City of Rochester Police Department staff. A sample of 25 license plate searches was haphazardly selected to confirm that there was a legitimate, documented law enforcement purpose for the access. No exceptions were noted.

Minnesota Statutes, section 13.824, subdivision 7(b), requires that law enforcement personnel have access to ALPR data only if authorized in writing by the chief of police, sheriff, or head of the law enforcement agency, or their designee, to obtain access for "a legitimate, specified and documented law enforcement purpose." The Olmsted County Sheriff's Office's ALPR policy designates the Patrol Captain with this responsibility. The Rochester Police Department's ALPR policy designates the Services Captain and the Intel Lieutenant with this responsibility. Written authorization was obtained to gain access to the PIPS system.

7. Procedure

Determine that a data audit trail exists to document all access activity.

Findings

An audit trail report was run from PIPS on August 13, 2020, for all of the ALPR data actions in the system between August 13, 2018, and August 13, 2020. This audit trail report contained all activity of the ALPR data actions in compliance with Minn. Stat. § 13.824, subd. 7(c). No exceptions were noted.

8. Procedure

Determine that collected ALPR data is destroyed in accordance with statutes.

Findings

Minnesota Statutes, section 13.824, subdivision 3(a), requires collected ALPR data to be destroyed no later than 60 days from the date of collection, with specific exceptions. The Olmsted County Sheriff's Office and the City of Rochester Police Department have a 60-day ALPR data retention policy. A report was run from PIPS on August 11, 2020, for all of the license plate hit data currently retained by the Olmsted County Sheriff's Office and the City of Rochester Police Department. No exceptions to the data destruction requirements were noted.

* * * * *

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 Olmsted County Sheriff's Office's and the City of Rochester Police Department's compliance with Minn. Stat. §§ 13.824 and 626.8472 regarding ALPRs. 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 the Olmsted County Sheriff's Office and the City of Rochester Police Department and is not intended to be, and should not be, used by anyone other than those specified parties.

/s/Julie Blaha

JULIE BLAHA
STATE AUDITOR

/s/Dianne Syverson

DIANNE SYVERSON, CPA
DEPUTY STATE AUDITOR

October 1, 2020