



**CRAIG ENEVOLDSEN  
POLICE CHIEF**

**Brooklyn  
Park  
Police**

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August 15, 2017

To whom it may concern:

In compliance with Minnesota State statute 13.824, The Brooklyn Park Police Department conducted an external audit of our Automated License Plate Reader system. The audit was conducted by LEADS Consulting. The report is included for your review. If you have any questions please feel free to contact me.

Thank you,

A handwritten signature in black ink, appearing to read 'S. DuPaul', is written over the printed name.

Inspector Shane DuPaul

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Brooklyn Park Police

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# LAW ENFORCEMENT AUDIT & DATA SERVICES

## **Biennial Audit of the Brooklyn Park Police Department Automated License Plate Reader System Conducted by LEADS Consulting**

### **Audit Summary Report Submitted August 1, 2017**

Pursuant to Minnesota Statute 13.824 LEADS Consulting conducted an audit of the Automated License Plate Reader (ALPR) System at the Brooklyn Park Police Department to ensure compliance with state law. The audit was conducted on July 12, 2017. Lieutenant Eric Nelson was the point of contact for auditors.

A copy of the Brooklyn Park Police Department policy regarding ALPR was reviewed and is attached to this audit as appendix A. Verbal information regarding operations and practices was received from Lieutenant Eric Nelson who supervises the ALPR system. The audit examined the policies and practices of the department in regards to the use and operation of Automated License Plate Readers including the following functions:

1. ALPR Data Collection Limitations
2. Classification of ALPR Data
3. Destruction of ALPR Data
4. Access to ALPR Data
5. Sharing of ALPR Data
6. Audit Trail of ALPR Data
7. Public Log of Use

## **Brooklyn Park ALPR System**

The Brooklyn Park Police department utilizes the 3M ALPR Hardware with the "Back Office Software System" (BOSS). They have two mobile squads equipped with cameras. The system has been in operation since May of 2015.

At the time of the audit on July 12, 2017, the system had resulted in 8,391 total "hits". During the 60 days prior to the audit the system had recorded 88,692 "reads" and 193 "hits".

"Reads" are defined as a data collection event in which a license plate is believed to have been "read" and recorded in the system. A "hit" is defined as an indication or alarm from the system that the vehicle is stolen, the owner is suspended, revoked, cancelled or has a warrant, or the vehicle has a KOPS alert in the system.

## **ALPR Data Collection Limitations**

Minnesota Statute 13.824 Subd. 2 limits the collection of data by an automated license plate reader system to license plate numbers; time, date and location data on vehicles; and pictures of license plates, vehicles and areas surrounding the vehicles.

To verify compliance, LEADS conducted a sequential random audit of 88,692 "reads" from the last 60 days. We examined 534 "reads".

All 534 data "reads" and photographs were in compliance with Subd. 2.

The following observations were noted during the audit.

Five "reads" were missing GPS location data.

Four reads had persons in the photograph near a vehicle plate being read but their images were not discernible.

Six "false reads" were generated by fencing or weeds.

Several false reads were generated by street signs containing words or numbers.

A more detailed analysis of the "193" "hits" during the most recent 60 days revealed that 35 of the "hits" were sequential duplicate "reads". In addition, several false "hits" were generated as the system can not identify the specific state of the license plate.

### **Classification of ALPR Data**

The Brooklyn Park Police Department Policy states that "All data is classified as private unless specified differently under 13.824 subd. 2 b."

In addition, in other locations, the policy repeatedly references Minnesota statute 13.824.

Lieutenant Eric Nelson who supervises the ALPR system is well versed in the law pertaining to ALPR and the classification of data.

The Brooklyn Park Police Department data classification is in compliance with Minnesota Law.

### **Destruction of ALPR Data**

Section 427.4 of the Brooklyn Park ALPR policy states that ALPR data "must be destroyed no later than 60 days from the date of collection" and then references the exceptions noted in Minnesota Statute 13.824.

Our examination of the Brooklyn Park data base revealed that there was no data maintained in the system beyond the 60 day restriction. Several electronic searches were conducted for data older than 60 days with negative results. Lieutenant Erik Nelson confirmed that no data has been retained beyond 60 days.

The examination indicates that the Brooklyn Park Police Department is in compliance with the the destruction of data provision.

### **Access to ALPR Data**

Section 427.8 of the Brooklyn Park Police Department policy states that Police Chief Craig Enevoldsen has authorized only 6 specific department personnel to access the ALPR data. The access corresponds to their official duties. The policy also requires that, "all inquiries will be properly logged within the system's audit trail and will include the reason for the inquiry and if it is requested by another agency."

The Brooklyn Park Police Department policies and practices regarding access to ALPR data are in compliance with state law.

## **Sharing of ALPR Data with other Law Enforcement Agencies**

Section 427.7 of the Brooklyn Park Police Department policy states that "data may be shared only with law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law.." The policy articulates further procedures and references Mn statute 13.824.

An interview with Lieutenant Eric Nelson of the Brooklyn Park Police Department, who supervises the ALPR program, revealed that requests from other agencies for ALPR data are extremely rare and that he did not believe any searches had resulted in an investigative "hit" that was used in a criminal prosecution.

The department policies and practices are in compliance with state law.

## **Audit Trail of ALPR Data**

The 3M BOSS software system maintains a detailed audit trail of all activities indicating access to the data base which was examined by the auditor.

The department is in compliance with the audit trail requirement.

## **Public Log of Use**

The 3M BOSS software system is capable of producing reports required by the Subd. 5 of the statute. Lieutenant Erik Nelson produced a report entitled "Reads Statistics by Source" for the auditors indicating the number of "reads" and "hits" by source and date. In addition, Lt. Nelson produced a report entitled "Hits By Hotlist Report" showing the breakdown of the type of "hits" including Stolen Vehicles, Warrants, KOPS Alerts, Sexual Offenders, Protection Orders and Missing Persons.

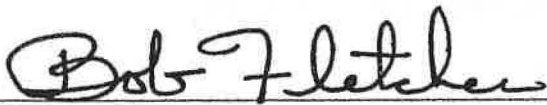
The department has no stationary or fixed license plate readers.

The Brooklyn Park Police Department is capable of producing a regular Public Log of Use from the 3M BOSS system. This capacity ensures that the department is in substantial compliance with the statute. LEADS Auditors recommend that the department produce and save monthly or bi-monthly reports containing summary data.

## **Audit Conclusion**

The Brooklyn Park Police Department has a detailed ALPR policy that reflects MN statute 13.842 and contains significant specific regulations to ensure compliance with the statute. The department's policies and practices are consistent with state law. The ALPR system utilization is professionally monitored and supervised by Lieutenant Eric Nelson who is well versed in the requirements of Minnesota Law .

LEADS Consulting finds the Brooklyn Park Police Department to be in compliance with Minnesota Statute 13.824.

A handwritten signature in black ink that reads "Bob Fletcher". The signature is written in a cursive style with a large, stylized "B" and "F".

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Bob Fletcher  
Director,  
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## Automated License Plate Readers (ALPR)

### 427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology (Minn. Stat. § 626.8472).

### 427.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Brooklyn Park Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the assigned Lieutenant.

### 427.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access confidential department, state or federal data unless authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the Minnesota Justice Information Services (MNJIS) and National Law Enforcement Telecommunications System (NLETS) databases before taking enforcement action that is based solely upon an ALPR alert.

#### 427.3.1 RESTRICTIONS, NOTIFICATIONS AND AUDITS

The Brooklyn Park Police Department will observe the following guidelines regarding ALPR use (Minn. Stat. § 13.824):

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- (a) Data collected by an ALPR will be limited to:
  - 1. License plate numbers.
  - 2. Date, time and location of data captured.
  - 3. Pictures of license plates, vehicles and areas surrounding the vehicle captured.
- (b) ALPR data may only be matched with the Minnesota license plate data file, unless additional sources are needed for an active criminal investigation.
- (c) ALPRs shall not be used to monitor or track an individual unless done so under a search warrant or because of exigent circumstances.
- (d) The Bureau of Criminal Apprehension shall be notified within 10 days of any installation or use and of any fixed location of an ALPR.

#### **427.4 DATA COLLECTION AND RETENTION**

The assigned Lieutenant is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

ALPR data received from another agency shall be maintained securely and released in the same manner as ALPR data collected by this department (Minn. Stat. § 13.824).

ALPR data not related to an active criminal investigation must be destroyed no later than 60 days from the date of collection with the following exceptions (Minn. Stat. § 13.824):

- (a) Exculpatory evidence - Data must be retained until a criminal matter is resolved if a written request is made from a person who is the subject of a criminal investigation asserting that ALPR data may be used as exculpatory evidence.
- (b) Address Confidentiality Program - Data related to a participant of the Address Confidentiality Program must be destroyed upon the written request of the participant. ALPR data already collected at the time of the request shall be destroyed and future related ALPR data must be destroyed at the time of collection. Destruction can be deferred if it relates to an active criminal investigation.

All other ALPR data should be retained in accordance with the established records retention schedule.

All data is classified as private unless specified differently under 13.824 subd 2 (b).

##### **427.4.1 LOG OF USE**

A public log of ALPR use will be maintained that includes (Minn. Stat. § 13.824):

- (a) Specific times of day that the ALPR collected data.
- (b) The aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal public databases with which the data were compared.
- (c) For each period of active use, the number of vehicles or license plates related to:
  - 1. A vehicle or license plate that has been stolen.

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2. A warrant for the arrest of the owner of the vehicle.
  3. An owner with a suspended or revoked driver's license or similar category.
  4. Active investigative data.
- (d) For an ALPR at a stationary or fixed location, the location at which the ALPR actively collected data and is installed and used.

A publicly accessible list of the current and previous locations, including dates at those locations, of any fixed ALPR or other surveillance devices with ALPR capability shall be maintained. The list may be kept from the public if the data is security information as provided in Minn. Stat. § 13.37, Subd. 2.

#### **427.5 ACCOUNTABILITY**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Brooklyn Park Police Department will observe the following safeguards regarding access to and use of stored data (Minn. Stat. § 13.824; Minn. Stat. § 13.05):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) Biennial audits and reports shall be completed pursuant to Minn. Stat. § 13.824, Subd. 6.
- (d) Breaches of personal data are addressed as set forth in the Protected Information Policy (Minn. Stat. § 13.055).
- (e) All queries and responses, and all actions, in which data are entered, updated, accessed, shared or disseminated, must be recorded in a data audit trail.
- (f) Any member who violates Minn. Stat. § 13.09 through the unauthorized acquisition or use of ALPR data will face discipline and possible criminal prosecution (Minn. Stat. § 626.8472).

#### **427.6 POLICY**

The policy of the Brooklyn Park Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

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### **427.7 RELEASING ALPR DATA**

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures (Minn. Stat. § 13.824):

ALPR data related to an active criminal investigation may be released to another law enforcement agency upon request. The agency receiving the data must comply with all data classification, destruction, and security requirements designated in 13.824.

ALPR data NOT related to an active criminal investigation may be released to another law enforcement agency if the responsible authority for the receiving agency has established written procedures to ensure that law enforcement personnel have access to the data only if authorized in writing by the receiving agency's chief of police, sheriff, or head of the law enforcement agency, or their designee, to obtain access to data collected by an ALPR for a legitimate specified and documented law enforcement purpose.

ALPR data that are not related to an active criminal investigation may not be shared with, disseminated to, sold to, or traded with any other individual or entity unless explicitly authorized by law.

All requests for ALPR data must include the requesting agency's name, case number and type of case being actively investigated. This information shall be entered into the BOSS system when the search is conducted.

All requests for ALPR data will be reviewed and authorized by the Chief of Police or his designee.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

### **427.8 PERSONNEL AUTHORIZED TO ACCESS**

Pursuant to MN State Statute 13.824 Subd 7, the only people authorized by Brooklyn Park Police Chief Craig Enevoldsen to have access to Brooklyn Park Police ALPR data are the following:

- Day Shift Commander - Lt. Nelson
- Dogwatch Shift Commander - Lt. Weinbeck
- Inspector of Investigations - Insp. Erickson
- Investigations Sgt. - Sgt. Roushar
- Safe Streets Sgt. - Sgt. Nordan
- Crime Analyst II - Jody Murphy

All inquiries will be properly logged within the system's audit trail and will include the reason for the inquiry and if it is requested by another agency.