

STATE OF MINNESOTA

Office of the State Auditor



**Julie Blaha
State Auditor**

**HENNEPIN COUNTY SHERIFF'S OFFICE
MINNEAPOLIS, MINNESOTA**

AGREED-UPON PROCEDURES

January 14, 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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MINNEAPOLIS, MINNESOTA**

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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

Major Jeff Storms
Hennepin County Sheriff's Office
350 South Fifth Street
Minneapolis, Minnesota 55415

We have performed the procedures enumerated below, which were agreed to by the Sheriff's Office of Hennepin County, Minnesota, to confirm the Hennepin County Sheriff's Office'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 Sheriff's Office'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 Hennepin County Sheriff's Office's management is responsible for the Sheriff's Office'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 Hennepin County Sheriff's Office. 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 a copy of the Hennepin County Sheriff's Office's ALPR policy and compared it to the requirements of Minn. Stat. § 13.824. The requirements of this statute are reflected in the Sheriff's Office's policy, including references regarding unauthorized access or use of ALPR data and corresponding discipline, should a breach occur, except that the policy does not include language addressing the following requirements:

- Minnesota Statutes, section 13.824, subdivision 5(a), states a law enforcement agency that installs or uses an automated license plate reader must maintain a public log of its use, including but not limited to:
 - specific times of day that the reader actively collected data;
 - 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 databases with which the data were compared, unless the existence of the database itself is not public; and,
 - for each period of active use, the number of vehicles or license plates in each of the following categories where the data identify a vehicle or license plate that has been stolen, a warrant for the arrest of the owner of the vehicle or an owner with a suspended or revoked driver's license or similar category, or are active investigative data.
- Minnesota Statutes, section 13.824, subdivision 7(b), states the law enforcement agency must establish written procedures for authorized access to the data that addresses:
 - access to the data only if authorized in writing by the chief of police, sheriff, or head of the law enforcement agency, or their designee;
 - access to data collected by an automated license plate reader is for a legitimate, specified, and documented law enforcement purpose;
 - each access must be based on a reasonable suspicion that the data are pertinent to an active criminal investigation; and
 - a record of the factual basis for the access and any associated case number, complaint, or incident that is the basis for the access.
- Minnesota Statutes, section 13.824, subdivision 7(c), states that 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. Data contained in the audit trail are public, to the extent that the data are not otherwise classified by law.

2. Procedure

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

Findings

The Hennepin County Sheriff's Office uses the PIPS Technology system. ALPRs have been in use since 2013; however, the Sheriff's Office has not operated an ALPR since September 24, 2019. The Sheriff's Office had operated four mobile ALPRs. A report was run from PIPS on December 19, 2019, for all of the license plate hit data currently retained by the Sheriff's Office. There were zero license plate hits within the past 30 days. 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 report parameters from PIPS to confirm that only the data allowed was collected by the Sheriff's Office. No exceptions were noted.

3. Procedure

Determine that the data collected by ALPRs are appropriately classified.

Findings

The Sheriff's Office's ALPR policy recognizes that ALPR data collected will be safeguarded and protected. The Sheriff's Office informed us that it had not received any public requests for ALPR data.

We inspected the audit trail report for the period October 1, 2017, to October 31, 2019. During this period, no instances of exporting ALPR data were observed. 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 on December 19, 2019, for the period October 1, 2017, to October 31, 2019, from PIPS. 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).

The Hennepin County Sheriff's Office has 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 Hennepin County Sheriff's Office has 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 December 19, 2019. The user access list was restricted to individuals within the Sheriff's Office based on their official roles.

The audit trail report for the period October 1, 2017, to October 31, 2019, was inspected. During this period, no license plate searches of ALPR data performed by Sheriff's Office staff 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 Hennepin County Sheriff's Office's ALPR policy does not designate this responsibility to any one individual. However, based on observation, 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 December 19, 2019, for all of the ALPR data actions in the system between October 1, 2017, and October 31, 2019. 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, subd. 3(a), requires collected ALPR data to be destroyed no later than 60 days from the date of collection, with specific exceptions. The Hennepin County Sheriff's Office has a 30-day ALPR data retention policy. A report was run from PIPS on December 19, 2019, for all of the license plate hit data currently retained by the Sheriff's Office. There was no license plate hit data being retained. 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 Hennepin County Sheriff's Office'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 Hennepin County Sheriff's Office 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/Greg Hierlinger

GREG HIERLINGER, CPA
DEPUTY STATE AUDITOR

January 14, 2020