

THE AXTELL GROUP

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Todd Axtell
The Axtell Group
576 Warwick
Saint Paul, MN 55116

Police Chief Brandon Silgjord
Sartell Police Department
501 Pinecone Road South
Sartell, Minnesota 56377

Chief Silgjord,

Pursuant to the professional services agreement between The Axtell Group and the Sartell Police Department, The Axtell Group has completed an independent Automated License Plate Reader (ALPR) biennial audit as required by Minnesota Statutes, section 13.824, subdivision 6.

The Axtell Group assessed whether the Sartell Police Department (SPD or the “Department”) has in place the policies, procedures, protocols, staff, and systems to appropriately collect, classify, store, secure, and manage ALPR data, and whether SPD’s policies incorporate the requirements of section 13.824 and the employee discipline standards for unauthorized access to data contained in section 13.09, according to sections 13.824 and 626.8472.

The Axtell Group’s audit included a review and assessment of the SPD’s policies, procedures, records, the ALPR platform itself, the ALPR vendor contract, audit logs, and ALPR equipment inventory. The Axtell Group conducted an interview of key staff responsible for administering the program, and who are responsible for release, retention, and destruction of ALPR data. The Axtell Group also accessed video data as necessary to verify statutory compliance.

The elements cited under Minnesota Statutes sections 13.824 and 626.8472 include:

- Data collection, classification, and use
- Destruction of data
- Sharing among law enforcement agencies
- Log of use
- Biennial audit
- Authorization to access data

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- Notification to the BCA

Background

The SPD implemented their ALPR program in November 2023. This is SPD's first audit of its ALPR program and it covers the time since implemented.

The SPD uses Flock Safety Automated License Plate Readers (ALPRs). The agency has seven (7) stationary and fixed location readers and one (1) flex reader. Data is managed by Flock Safety, which is a web-based platform. The SPD can download data on their department mobile workstation from the Flock web interface and can store data in a case file only for legitimate law enforcement purposes as defined by policy and statute.

Item	Statute	Reference	Testing Procedure	Result
1	§ 13.824, Subd. 2 § 626.8472	Policy	<p>Reviewed SPD Policy 427 Automated License Plate Readers (ALPR) on data collection, classification, and use restrictions.</p> <p>The Department has established and enforces policies governing the use of ALPRs and ALPR data, these policies include the employee discipline standards for unauthorized access to data collected.</p>	No exceptions found
2	§ 13.824, Subd. 2	Data collection, classification, use restrictions	The Department provided views of license plate reader results showing collection of data limited to (1) license plate numbers; (2) date, time, and location data on vehicles; and (3) pictures of license plates, vehicles, and areas surrounding the vehicles.	No exceptions found

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Item	Statute	Reference	Testing Procedure	Result
3	§ 13.824, Subd. 2	Data collection, classification, use restrictions	<p>Reviewed SPD Policy 427.5 Automated License Plate Readers (ALPR) on data collection, classification, and use restrictions.</p> <p>The Department provided views of its system requiring all ALPR data to be classified. The ALPR data was presumptively private, unless another classification applied. Available data classifications are private or nonpublic, public under section 13.82, or active criminal investigative data.</p> <p>For the audit period, none of the ALPR data was classified as anything other than private/nonpublic.</p>	No exceptions found
4	§ 13.824, Subd. 2	Data collection, classification, use restrictions	The Department provided views of the license plate reader matching data only being pulled from the Minnesota license plate data file. The department verifies all data is used for legitimate law enforcement purposes with the original agency, NCIC, and their CAD system. Sartell does not use other data as a comparison for active criminal investigations.	No exceptions found
5	§ 13.824, Subd. 2	Data collection, classification, use restrictions	Reviewed SPD Policy 427.4.1 (c), which prohibits the use of ALPR data to monitor or track an individual who is the subject of an active criminal investigation unless authorized by warrant or unless exigent circumstances justify the use without a warrant. Sartell did not have any data collected that was prohibited.	No exceptions found
6	§ 13.824, Subd. 2	Data collection, classification, use restrictions	<p>The Department provided views of its ALPR system showing a requirement for personnel to input a reason for action when looking at ALPR data.</p> <p>Reasons for action must include case number, type of case, description, and reason.</p>	No exceptions found

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Item	Statute	Reference	Testing Procedure	Result
7	§ 13.824, Subd. 2	Data collection, classification, use restrictions	Interviewed SPD key personnel who is responsible for ALPR system administration.	No exceptions found
8	§ 13.824, Subd. 3	Destruction of data required	<p>Reviewed SPD Policy 427.5 on retention and destruction of data.</p> <p>The Department provided a view of its ALPR system showing all data is set to 30-day retention which is an automatic retention and deletion rule through Flock Safety Technology Platform. SPD confirmed this with Flock.</p> <p>A search of the ALPR system showed that there was no data older than 30 days.</p> <p>No data is retained on devices.</p> <p>Randomly selected active criminal investigation cases were compared to the ALPR log. Case files referenced plate numbers, but none of the cases reflected an image being saved.</p> <p>SPD has not received any retention requests from data subjects during the audit period.</p>	No exceptions found
9	§ 13.824, Subd. 4	Sharing among law enforcement agencies	<p>Reviewed SPD Policy 427.7 on sharing among law enforcement agencies.</p> <p>SPD provided a view of the ALPR system platform that requires a “reason for action”. If personnel from another agency requested data, only a SPD user would have access. No requests were made during the audit period.</p> <p>Interviewed key personnel responsible for ALPR system administration.</p> <p>Confirmed that ALPR data not related to an active criminal investigation are not shared with, disseminated to, sold to, or traded with any other individual or entity unless explicitly authorized by 13.824, Subd. 4 or other law.</p>	No exceptions found

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Item	Statute	Reference	Testing Procedure	Result
10	§ 13.824, Subd. 5	Log of use required	<p>Reviewed SPD Policy 427.5.1 on ALPR logs.</p> <p>The Department provided the most recent public log of use, which was reviewed. The audit verified that the log includes:</p> <ul style="list-style-type: none"> - 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. - 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; and - For a reader at a stationary or fixed location, the location at which the reader actively collected data and is installed and used. 	No exceptions found
11	§ 13.824, Subd. 6	Biennial audit	<p>Reviewed SPD Policy 427.6 (c).</p> <p>This is SPD's first ALPR audit since they began the program in November 2023.</p> <p>The Department has arranged for independent audits of its ALPR program every two years and expressed its intent to continue to comply with the statutory audit requirement.</p>	No exceptions found

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Item	Statute	Reference	Testing Procedure	Result
12	§ 13.824, Subd. 7	Authorization to access data	<p>Reviewed SPD Policy 427.6 on accountability and access to data.</p> <p>The Department provided ALPR system views showing retention settings set to 30 days.</p> <p>Interviewed key personnel who is responsible for ALPR system administration.</p> <p>The Department has established and enforced policies and procedures limiting access to ALPR data only for a legitimate, specified, and documented law enforcement purpose. Access is based on a reasonable suspicion that the data are pertinent to an active criminal investigation and include a reason for access. All access is role-based and recorded in a data audit trail.</p>	No exceptions found
13	13.824, Subd. 8	Notification to BCA	<p>The Department has provided the required notice to the BCA.</p> <p>Reviewed the Sartell Police Department listing on the BCA website at https://dps.mn.gov/agencies-use-lprs-lpr</p>	No exceptions found

The findings of this ALPR audit are the result of The Axtell Group's independent evaluation and are based on the information and documentation provided by the Sartell Police Department and available online.

The audit has determined that the Sartell Police Department's ALPR data collection, classification, use, dissemination, and destruction of data comply with Minnesota Statutes sections 13.824 and 626.8472.

The Axtell Group, LLC
 Robert Thomasser
 Chief Operating Officer

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Submitted to:
Sartell Police Department
Minnesota Commissioner of Administration
Legislative Commission on Data Practices and Personal
Data Privacy Required Chairs of Legislative Committees
Minnesota Legislative Library