



# LAW ENFORCEMENT AUDIT & DATA SERVICES

## **Biennial Audit of the Moorhead Police Department Automated License Plate Reader System Conducted by LEADS Consulting Audit Summary Report Submitted March 30, 2018**

Pursuant to Minnesota Statute 13.824 LEADS Consulting conducted an audit of the Automated License Plate Reader (ALPR) System at the Moorhead Police Department to ensure compliance with state law. The audit was conducted on March 1, 2018. Lieutenant Michael Detloff who manages the data collection was the point of contact for auditors.

A copy of the Moorhead 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 Detloff who monitors the ALPR system. Auditors also spoke to Moorhead Information Technology Director Chris Radi. 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

## **Moorhead ALPR System**

The Moorhead Police Department utilizes the 3M BOSS system software. They have one mobile squad equipped with ALPR cameras. The system has been in operation since November of 2014.

At the time of the audit on March 1, 2018, the system had recorded 603,205 total “reads” and 5652 “hits” or “alarms” since its implementation. In the last 60 days it had recorded 6357 “reads” and 53 “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” or “alarm” is defined as an indication 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. The Moorhead Police Department ALPR policy, which is attached in appendix A also reflects these limits on data collection.

To verify compliance, LEADS conducted a sequential random audit of the 6357 “reads” from the last 60 days. We examined 130 random “reads” and all 53 “hits”.

All 130 data “reads” and photographs were in compliance with Subd. 2.

The following observations were noted during the audit/examination of 130 “reads”.

12 false reads were generated by bumper stickers, police graphics, police plates house signs, bike lane signs, mail boxes containing words or numbers, or miscellaneous signs such as “We value your life”.

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

A more detailed analysis of all 53 “hits” during the most recent 60 days revealed that 2 were duplicates and 15 were misreads from a “Harvest Church” sign.

## **Classification of ALPR Data**

The Moorhead Police Department policy and practices regarding data classification are consistent with state statutes and reference Minnesota Statutes 13.824 and 13.05. Lieutenant Michael Detloff who monitors the ALPR system is familiar with the law pertaining to ALPR and the classification of data.

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

## **Destruction of ALPR Data**

The Moorhead Police Department ALPR policy states that “ALPR data not related to an active criminal investigation must be destroyed no later than 60 days from the date of collection” Our examination of the Moorhead Police Department ALPR database revealed that there were 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.

More detail regarding the Moorhead Police Department data storage and destruction policy can be found in appendix A of this report.

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

## **Access to ALPR Data**

Lieutenant Detloff states that patrol officers are only able to search the data collected on their shift by their vehicle. There are 4 supervisors/investigators that have greater access but only if there is an active investigation with a case number.

The Moorhead Police Department Policy states that “(Department) 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 relates to a specific criminal investigation or department-related civil or administrative action.” The ALPR search function has been updated to require the officer to list an incident number (ICR) related to the ALPR search.

The Moorhead 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**

Moorhead Police Department policy states that: “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 procedure (Minn. Stat. 13.824)” The policy goes on to require a written request from the law enforcement agency which included the basis for the request.

A copy of this policy 427.7 Releasing ALPR Data, is contained in the addendum.

Lieutenant Michael Detloff states that the department has had very few requests from other departments to search the ALPR system.

The department is in compliance with state statute regarding the sharing of ALPR data.

## **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 Moorhead Police Department policy states, “All queries and responses, and all actions, in which data are entered, updated, accessed, shared or disseminated, must be recorded in a data trail.”

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 Detloff produced a sample “log of use” for review by auditors entitled “Reads Statistic By Source”. The report includes the date of use, the device number, and the number of reads and hits. He also produced a report of “hits” in the past 60 days showing that 31 hits were for Cancelled or Revoked Drivers Licenses and 7 were for Stolen License Plates.

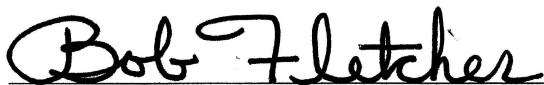
The department has no stationary or fixed license place readers.

The department is in compliance with the Public Log of Use requirement.

## Audit Conclusion

The Moorhead Police Department has a detailed ALPR policy that reflects MN Statute 13.824 and contains significant specific regulations to ensure compliance with the statute. The department's policies and practices are consistent with state law. The data is properly maintained and professionally monitored by Lieutenant Michael Detloff.

LEADS Consulting finds the Moorhead Police Department ALPR Practices to be in compliance with Minnesota Statute 13.824.



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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 Moorhead 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 Administration Division Commander. The Administration Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 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.

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#### 427.3.1 RESTRICTIONS, NOTIFICATIONS AND AUDITS

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

- (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 Administration Division Commander 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) after first referring the data requester to the agency that created the data or conferring with that agency about the release.

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.

#### 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.

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- (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.
  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 Moorhead 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).

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#### **427.6 POLICY**

The policy of the Moorhead 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.

#### **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):

- (a) The agency makes a written request for the ALPR data that includes:
  1. The name of the agency.
  2. The name of the person requesting.
  3. The intended purpose of obtaining the information.
  4. A record of the factual basis for the access and any associated case number, complaint or incident that is the basis for the access.
  5. A statement that the request is authorized by the head of the requesting law enforcement agency or his/her designee.
- (b) The request is reviewed by the Administration Division Commander or the authorized designee and approved before the request is fulfilled.
  1. A release must be based on a reasonable suspicion that the data is pertinent to an active criminal investigation.
- (c) The approved request is retained on file.

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