

THE AXTELL GROUP

August 07, 2025

Chief Cory Johnson
Deephaven Police Department
20225 Cottagewood Road
Deephaven, Minnesota 55331

RE: Biennial Audit of Automated License Plate Reader (ALPR) Program

Chief Johnson,

Pursuant to the professional services agreement between The Axtell Group and the Deephaven Police Department, The Axtell Group has completed an independent biennial audit of the department's Automated License Plate Reader (ALPR) program, as required under Minnesota Statutes, section 13.824, subdivision 6. The Axtell Group found the Deephaven ALPR program operates in compliance as prescribed in state law.

The scope of this audit focused on whether the Deephaven Police Department (DPD) has implemented the appropriate policies, procedures, systems, and operational practices to collect, classify, retain, secure, and manage ALPR data in compliance with Minnesota Statutes §§13.824 and 626.8472. Our assessment reviewed the use of ALPR data, whether retention and destruction protocols meet the statutory 60-day requirement under subdivision 3, and whether the program meets the specific obligations set forth under subdivisions 4 (sharing among agencies), 5 (log of use), 7 (authorization to access), and 8 (notification to the BCA) of section 13.824.

Scope of Audit

The audit conducted by The Axtell Group included a detailed review of the following elements:

- Department policies and procedures governing ALPR use
- Access logs and audit trails
- ALPR-related training and user authorization records
- Current ALPR vendor contract
- Inventory of ALPR equipment

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- Interviews with personnel responsible for managing ALPR data access, retention, release, and destruction

Legal and Operational Standards Assessed

The following statutory requirements and audit elements formed the basis of the review:

- Data collection, classification, and permissible uses
- Data destruction and retention protocols
- Inter-agency sharing restrictions and compliance
- Authorization to access data
- Biennial audit requirement
- Notification to the Bureau of Criminal Apprehension (BCA)

Background

The Deephaven Police Department, located in Hennepin County, Minnesota, serves the community with a staff of dedicated law enforcement professionals. The department implemented its ALPR program and went live on May 23, 2023, utilizing Motorola Solutions ALPR systems to support investigative and public safety objectives.

As of the date of this audit, the Deephaven Police Department operates no (zero) fixed ALPR cameras and 4 (four) mobile or flex units, with data managed through the Motorola Solutions web-based platform. Authorized personnel may access ALPR data via department workstations, and data is retained only in accordance with state law and department policy for legitimate law enforcement purposes.

We appreciate the cooperation of the Deephaven police chief throughout this process and commend the department's efforts to maintain transparency and accountability in its use of ALPR technology. Should you have any questions about the findings or wish to discuss the results further, please do not hesitate to contact me directly.



Todd Axtell
President and CEO
The Axtell Group

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AUDIT REPORT

SECTION 1: Data Collection, Retention & Destruction

| Item | Description | Statute | Testing Procedure | Result |
|------|--|---------------------|--|---------------------|
| 1.1 | Data collected by an ALPR are 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. | §13.824, subd. 2(a) | Reviewed department policy L-1, section B. 3. Interviewed the department ALPR program administrator. | No exceptions found |
| 1.2 | Data is classified as private/nonpublic except when classified as public or as active criminal investigative data under §13.82. | §13.824, subd. 2(b) | Reviewed department policy L-1, section B. 5. Confirmed by the ALPR program administrator. | No exceptions found |
| 1.3 | ALPR data is only matched to data in the Minnesota license plate data file, unless additional data relates to an active criminal investigation. | §13.824, subd. 2(c) | Reviewed department policy L-1, section B. 2. Confirmed by the program administrator. | No exceptions found |

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| 1.4 | Readers are not used to monitor or track an individual unless authorized by a warrant, issued upon probable cause, or exigent circumstances. | §13.824, subd. 2(d) | Reviewed department policy L-1, section B. 7. Confirmed by the program administrator. | No exceptions found |
| 1.5 | ALPR data is collected only by authorized equipment (traffic safety camera systems may not be used). | §13.824, subd. 2a | Reviewed department policy L-1, section B. 7. Confirmed by the program administrator. | No exceptions found |
| 1.6 | ALPR data not related to active investigations is deleted within 60 days. | §13.824, subd. 3(a) | Reviewed department policy L-1, section D. 1. Confirmed existing practice in audit queries report. | No exceptions found |
| 1.7 | Upon a written request from an individual that is the subject of pending criminal charge or complaint, ALPR data is preserved until the charge or complaint is resolved or dismissed. | §13.824, subd. 3(b) | Reviewed department policy L-1, section D.1. (b). Confirmed by the program administrator that there were no requests made during this audit period. | No exceptions found |
| 1.8 | Upon written request from a program participant under Chapter 5B, ALPR data must be destroyed, unless the data are active criminal | §13.824, subd. 3(c) | Reviewed department policy L-1, section D.1. (c). Confirmed by the program administrator that there were no requests made | No exceptions found |

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| | investigative data. The request is private data. | | during this audit period. | |
| 1.9 | Inactive criminal investigative data is subject to destruction according to the retention schedule under §138.17. | §13.824, subd. 3(d) | Reviewed department policy L-1, section D.1. (d). This practice was confirmed by the program administrator. | No exceptions found |

SECTION 2: Access Controls & User Authorization

| Item | Description | Statute | Testing Procedure | Notes |
|------|---|---------------------|--|---------------------|
| 2.1 | Only authorized personnel have access to ALPR data. | §13.824, subd. 7(b) | Reviewed department policy L-1, section F. 3. Confirmed practice by the program coordinator. | No exceptions found |
| 2.2 | Access is limited to legitimate law enforcement purposes. | §13.824, subd. 7(b) | Reviewed department policy L-1, section F. 1. Confirmed practice by the program coordinator. | No exceptions found |
| 2.3 | Access to data is logged and includes every access event with | §13.824, subd. 7(c) | Reviewed several Motorola audit queries list reports | No exceptions found |

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| | date/time, user ID, query plate, and purpose. | | and confirmed audit parameters exist. | |
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SECTION 3: Audit Trail & Logs

| Item | Description | Statute | Testing Procedure | Notes |
|------|---|------------------------|---|---------------------|
| 3.1 | A public log captures the specific times of day that a reader actively collects data. | §13.824, subd. 5(a)(1) | Reviewed department policy L-1, section G. Reviewed Motorola System hit report. | No exceptions found |
| 3.2 | A public log captures the number of vehicles or license plates on which data were collected and the databases to which the data were compared (unless the existence of the database is not public). | §13.824, subd. 5(a)(2) | Reviewed department policy L-1, section G. Reviewed Motorola System hit report. | No exceptions found |
| 3.3 | A public log captures the number of vehicles or license plates where the data identify a stolen vehicle, a warrant for arrest of the owner, an owner with a suspended or revoked driver's license (or similar), or other active investigative data. | §13.824, subd. 5(a)(3) | Reviewed department policy L-1, section G. Reviewed Motorola System hit report. | No exceptions found |

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| 3.4 | A public log captures the location of fixed readers. | §13.824, subd. 5(a)(4) | Not applicable to the Deephaven program. | |
| 3.5 | The agency maintains a list of current and previous locations of fixed ALPRs or other surveillance devices with ALPR capabilities. | §13.824, subd. 5(b) | Not applicable to the Deephaven program. | |
| 3.6 | System logs capture the date and time ALPR data were collected and the applicable classification. | §13.824, subd. 6(a) | Reviewed Motorola audit queries report and confirmed system functionality. | No exceptions found |
| 3.7 | The agency uses appropriate safeguards to ensure only authorized persons access ALPR data for authorized purposes. | §13.824, subd. 7(a) and (b) and §13.05, subd. 5(2) | Reviewed department policy L-1, sections F. 1. through 3. Confirmed practice via an interview with the program administrator. | No exceptions found |
| 3.8 | Logs are reviewed for inappropriate or unauthorized access. | §13.824, subd. 7 | Reviewed department policy L-1, section 1. E. Interviewed the department ALPR program administrator. | No exceptions found |

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SECTION 4: Data Security & System Safeguards

| Item | Description | Statute | Testing Procedure | Result |
|------|--|--|---|---------------------|
| 4.1 | ALPR system is secured with administrative and technical safeguards (e.g., passwords, encryption). | §13.824, subd. 7(a) and (b) and §13.05, subd. 5(2) | Confirmed this is a standard practice/safeguard built into the Motorola Solutions platform. | No exceptions found |
| 4.2 | Physical access to ALPR hardware and terminals is controlled. | §13.824, subd. 7(a) and (b) and §13.05, subd. 5(2) | Confirmed by ALPR administrator via interview. Mobile systems secured in department patrol vehicles and restricted to department personnel. | No exceptions found |

SECTION 5: Policy

| Item | Description | Statute | Testing Procedure | Result |
|------|---|-----------|--|---------------------|
| 5.1 | Department has a written ALPR policy governing use, access, and retention. | §626.8472 | Reviewed the Department's policy, which is published online. | No exceptions found |
| 5.2 | The policy incorporates the employee disciplinary standards for unauthorized access to data contained in §13.09 | §626.8472 | Reviewed department policy P-7, Professional Conduct of Officers. Discipline as a remedy for unauthorized use. | No exceptions found |

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SECTION 6: Interagency Data Sharing & Disclosure

| Item | Description | Statute | Testing Procedure | Result |
|------|--|-----------------------------|---|---------------------|
| 6.1 | ALPR data shared only with authorized entities and for lawful purposes under sub. 7. | §13.824, subd. 4(a) and (b) | Reviewed department policy L-1, section E. 1. through 3. Interviewed the program administrator to confirm practice. | No exceptions found |

SECTION 7: Audit Report & Public Access

| Item | Description | Statute | Testing Procedure | Result |
|------|--|------------------|--|---------------------|
| 7.1 | Biennial audits. The agency arranges for a biennial audit. | §13.824, subd. 6 | The Department first began use of ALPRs in 2023. This is the agency's first audit. The Department has arranged for this independent audit and expressed its intent to continue to comply with the statutory audit requirement. | No exceptions found |

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| 7.2 | Audit reports are retained by the agency and provided to the Commissioner, legislative chairs and ranking members, and the Legislative Commission on Data Practices | \$13.824, subd. 6 | First audit and report created in 2025 and submitted to the required bodies in August 2025. | No exceptions found |
| 7.3 | Audit reports are available to the public. | \$13.824, subd. 6 | | No exceptions found |

SECTION 8: Notification to BCA

| Item | Description | Statute | Testing Procedure | Result |
|------|--|-------------------|--|--|
| 8.1 | Notification to the BCA within 10 days of installation or use. | \$13.824, subd. 8 | Reviewed MN DPS public notice website: https://dps.mn.gov/agencies-use-lprs-lpr Reviewed email documents that confirmed notice of ALPR notification to the MN BCA in February 2023. | Exception found – Corrected. See audit note below. |

Audit Note: Auditors found the Deephaven Police Department was not listed on the MN DPS public notice webpage as a department employing ALPR technology. The Deephaven Police Department was able to produce email records and a completed DPS ALPR submission form dated in February of 2023 during the audit. Communication occurred with the DPS and the public notice page was corrected.