

# STATE OF MINNESOTA

## Office of the State Auditor



**Rebecca Otto**  
**State Auditor**

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**RAMSEY COUNTY**  
**SAINT PAUL, MINNESOTA**

**AGREED-UPON PROCEDURES**

**JANUARY 4, 2018**

## **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 150 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 approximately 650 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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**RAMSEY COUNTY  
SAINT PAUL, MINNESOTA**

**January 4, 2018**



**Agreed-Upon Procedures**

**Audit Practice Division  
Office of the State Auditor  
State of Minnesota**

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## INDEPENDENT AUDITOR'S REPORT ON APPLYING AGREED-UPON PROCEDURES

Megan Schaefer, Contract Manager  
Tina Kill, Inspector - Office of Planning and Analysis  
Ramsey County  
15 West Kellogg Boulevard  
Saint Paul, Minnesota 55102

We have performed the procedures enumerated below, which were agreed to by Ramsey County, to confirm Ramsey County'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 County'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. Ramsey County's management is responsible for the County'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 Ramsey County. 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 County's ALPR policy and compared it to the requirements of Minn. Stat. § 13.824. All the requirements of this statute are reflected in the County's policy, including references regarding unauthorized access or use of ALPR data and corresponding discipline, should a breach occur.

2. Procedure

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

Findings

Ramsey County uses the Vigilant system. ALPRs have been in use since February 2014. There are two mobile ALPRs, with only one currently being used. More than one report was run from Vigilant in an attempt by the County to identify a complete list of the license plate hit data currently retained by the County. Each report included some different data, so a complete population of hit data could not be confirmed. A random number generator and systematic sampling was used to select a sample of 25 license plate hits from the different reports for testing. Minnesota Statutes, section 13.824, subd. 2(a), limits the data collected by ALPRs to license plate number; date, time, and location data on vehicles; and pictures of license plates, vehicles, and areas surrounding the vehicles. We inspected the sample data from Vigilant to confirm that only the data allowed was collected by the County. No exceptions were noted for the items inspected.

3. Procedure

Determine that the data collected by ALPRs are appropriately classified.

Findings

Ramsey County's ALPR policy recognizes that ALPR data collected will be safeguarded and protected. The County informed us that it did not receive any public requests for ALPR data since August 1, 2015.

We inspected the audit trail report for the period October 23, 2015, to October 23, 2017. During this period, no instances of exporting ALPR data were observed. There were 209 license plate searches by County staff during this period, of which we inspected 21. 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

Currently, there is not a consolidated report from Vigilant that would provide all the information required under Minn. Stat. § 13.824, subd. 5(a).

The Vigilant system tracks user log-in dates and times; however, it does not track user log-out dates and times. Thus, the County would be unable to provide the period of active use as required by Minn. Stat. § 13.824, subd. 5(a)(1-3).

Summarized data on the number of license plates in the Vigilant system can only be narrowed down to a specific day. Detailed license plate hit data is retained by the County for at least 60 days. Detailed license plate read data is not retained by the County. The County is unable to provide the summarized information required to be maintained as a log of use as identified in Minn. Stat. § 13.824, subd. 5(a)(2) and (3), if there was more than one active period of use in a day and if more than 60 days old. The County does not maintain the log of use information for longer than 60 days.

Minnesota Statutes, section 13.824 provides different records retention treatment for (1) “data collected by an automated license plate reader,” and (2) a “public log of its use.” Under subdivision 3, much of the “data collected by an automated license plate reader” must be destroyed within 60 days notwithstanding the general records retention statute requirements in Minn. Stat. § 138.17. The statute does not set a retention period for the log of use information that is described in and that the law enforcement agency must maintain under subdivision 5. In addition, the log of use is not subject to the subdivision 3 exception to the application of Minn. Stat. § 138.17. The log of use, therefore, must be maintained for longer than 60 days. The log of use information may only be destroyed pursuant to Minn. Stat. § 138.17, which generally means pursuant to a properly approved records retention schedule or Application for the Disposal of Records (PR-1).

Ramsey County 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

Ramsey County has never 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 Vigilant on November 29, 2017, and inspected. There were 47 Vigilant users with access to the County’s ALPR data. Near the end of these agreed-upon procedures, the County reduced the number of users in the Vigilant system. A user access report was run from Vigilant on January 3, 2018, which included 32 Vigilant users with access to the County’s ALPR data.

The audit trail report for the period October 23, 2015, to October 23, 2017, was inspected. During this period, there were 209 license plate searches of ALPR data performed by County Sheriff's Office staff. A random number generator was used to select a sample of 21 license plate searches to confirm there was a legitimate, documented law enforcement purpose for the access. No exceptions were noted.

Minnesota Statutes, section 13.824, subd. 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." Ramsey County's ALPR policy designates the Chief Deputy with this responsibility. Since Minn. Stat. § 13.824 went into effect on August 1, 2015, the County has had 15 new users given access to the Vigilant system based on their official roles. The County did not have written authorization for the 15 new users at the time these agreed-upon procedures were being performed. The County also did not have written authorization for the 21 sample license plate searches inspected.

Subsequently, on December 28, 2017, the County provided an authorization form signed by the Chief Law Enforcement Officer dated December 20, 2017, approving the access of all 32 users currently in the Vigilant system. Any individuals not listed on the form that may have previously had an account were deleted from the system. The signed authorization form indicates that it grants permission to the listed personnel "to obtain access to collect data from the automated license plate readers operated by the Ramsey County Sheriff's Office for a legitimate, specified, and documented law enforcement purpose, as required by Minn. Stat. § 13.824." In addition, when a person accesses the system, a "pop-up" now appears, in which the person must fill in information specific to the access, like a case number and comments. No further approval authorization is obtained.

7. Procedure

Determine that a data audit trail exists to document all access activity.

Findings

An audit trail report was run from Vigilant for the period October 23, 2015, to October 23, 2017. 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. Based on inspection of reports from Vigilant, the system contains some Ramsey County ALPR data beyond the 60 day requirement. Upon inquiry with the County staff, we were informed that there is a “Preserve” function in Vigilant that will retain a specific ALPR hit; however, there is no “Unpreserve” function to eventually remove this ALPR hit from the data. There is also no report that can be run from the Vigilant system identifying all “Preserved” ALPR hits.

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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 County’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 Ramsey County and is not intended to be, and should not be, used by anyone other than those specified parties.

*/s/Rebecca Otto*

*/s/Greg Hierlinger*

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STATE AUDITOR

GREG HIERLINGER, CPA  
DEPUTY STATE AUDITOR

January 4, 2018