
# Biennial Audit of the Minnesota State Patrol Automated License Plate Reader System Conducted by LEADS Consulting

## Audit Summary Report

## Submitted November 27, 2017

Pursuant to Minnesota Statute 13.824 LEADS Consulting conducted an audit of the Automated License Plate Reader (ALPR) System of the Minnesota State Patrol to ensure compliance with state law. The audit was conducted on November 13, 2017. Lieutenant Robert Zak who supervises the ALPR system was the point of contact for auditors.

A copy of the Minnesota State Patrol policy regarding ALPR was reviewed and is attached to this audit as appendix A. Verbal information regarding operations and practices was received from Lieutenant Zak and Information Technology Specialist Patrick Pueringer who services the ALPR system. 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

**Minnesota State Patrol ALPR System**

The Minnesota State Patrol utilizes the 3M BOSS system software. They have sixteen mobile ALPR squads. The system has been in operation since of 2009 but the number of active units has increase over the past 8 years.

At the time of the audit on November 13, 2017, the system had recorded 7,124,677 “reads” and 95,350 “hits” or “alarms” since its creation. Hits and alarms were a result of a drivers license suspension or revocation infraction, stolen vehicles and arrest warrants on the owners.

The Minnesota State Patrol has adopted a policy of only maintaining ALPR data for 48 hours (2 Days). At the time of the audit the system had recorded 3,726 “reads” and 95 “hits” in the previous 48 hours.

“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 Minnesota State Patrol 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 3,726 “reads” from the last 48 hours. We examined 160 “reads” in detail.

All 160 data “reads” and photographs were in compliance with Subd. 2.

The following observations were noted during the audit/examination of 160 “reads”.

Two false reads were generated by a bumper sticker and a highway guard rail.
No photos of persons were observed.

A more detailed analysis of the “160” “hits” during the most recent 48 hours revealed that 22 of the “hits” were duplicate “reads”.

Two of the sixteen ALPR Units had malfunctioning GPS recording systems. Lieutenant Zak stated that they had attempted to have 3M repair the units but 3M had been delaying repair. This was possibly because of an impending sale of the ALPR business product to another business. In fact, one day after the audit, 3M announced the sale of their ALPR business to Neology Inc. and informed ALPR users that all existing orders were cancelled and should be resubmitted to Neology Inc.

**Classification of ALPR Data**

The Minnesota State Patrol policy references Minnesota Statutes. Lieutenant Zak states that the State Patrol follows state statute regarding the classification of the ALPR data. Lieutenant Zak is knowledgeable in Minnesota Data practices law and the ALPR statutes.

The Minnesota State Patrol data classification is in compliance with Minnesota Law.

**Destruction of ALPR Data**

The Minnesota State Patrol ALPR policy states:

“Data associated with license plates and vehicles scanned must be deleted within 48 hours after the end of a shift unless extenuating circumstances exist.”

Our examination of the Minnesota State Patrol ALPR data base revealed that there were no data maintained in the system beyond 2 days. Several electronic searches were conducted for data older than 2 days with negative results.

More detail regarding the Minnesota State Patrol data storage and destruction policy can be found in appendix A of this report.

The examination indicates that the Minnesota State Patrol is in compliance with the destruction of data provision. The State Patrol appears to be unique in that their policy requires ALPR data to be destroyed within 2 days as opposed to 60 days required by statute.

**Access and Sharing of ALPR Data**

The Minnesota State Patrol policy states that:

"Pursuant to Minnesota Stat. sec 13.824, subd. 7, law enforcement personnel may not access existing LPR data even for a legitimate, specified and documented law enforcement purpose unless written authorization is provided by the Chief or his designee. Each access must be based upon reasonable suspicion that the data is pertinent to an active criminal investigation and must include a factual basis for the access and associated case number, complaint, or incident that is the basis for the access."

Lieutenant Robert Zak is the Chief's designee. He states that there have only been two written requests to search their data base and that both had negative results.

The The Minnesota State Patrol policies and practices regarding access and sharing of ALPR data are in compliance with state law.

**Audit Trail of ALPR Data**

The 3M BOSS software system maintains a detailed audit trail of all activities indicating access to the data base. The audit trail was examined by the auditor.
The system has 16 Patrol Trooper users and 4 administrators.

The Minnesota State Patrol 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 Zak also maintains detailed "Log of Use" reports regarding ALPR Deployment. The reports include the date of use, the officers name, the number of reads, hits, stops, citations and arrests.

The Minnesota State Patrol policy states:

"A member utilizing LPR shall completely fill out the revised public LPR log by the end of his/her shift and ensure that the logs are maintained for audit and reporting purposes."

Lieutenant Zak displayed several public logs for the auditors to review.

The Minnesota State Patrol has no stationary or fixed license place readers.

The Minnesota State Patrol is in compliance with the Public Log of Use requirement.

**Audit Conclusion**

The Minnesota State Patrol has an ALPR policy that reflects MN statute 13.842 and contains significant specific regulations to ensure compliance with the statute. The State Patrol policies and practices are consistent with state law. The system is professionally monitored and the data is properly maintained and by Lieutenant Robert Zak.

LEADS Consulting finds the Minnesota State Patrol to be in compliance with Minnesota Statute 13.824.

Bob Fletcher

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# GENERAL ORDER

| | | | |
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| | **Effective:** | August 1, 2015 | **Number:** 15-30-019 |
| | **Subject:** | **LICENSE PLATE READER (LPR)** | |
| | **Reference:** | Minn. Stat. secs. 13.09; 13.824 | |
| | **Special Instructions:** | Rescinds General Order 13-30-019 | **Distribution:** A , B , C |

## I. POLICY

It is the policy of the Minnesota State Patrol (MSP) to utilize the automatic license plate reader as an alert aid to enhance detection, investigation, and enforcement duties of Troopers. Any alerts generated from license plate readers do not constitute reasonable suspicion or probable cause and the information must be confirmed by Troopers prior to initiating a traffic stop.

## II. DEFINITIONS

**A. Automated License Plate Reader (LPR)**

An electronic device mounted on a law enforcement vehicle or positioned in a stationary location that is capable of recording data on or taking a photograph of a vehicle or its license plate and comparing the collected data and photographs to existing law enforcement databases for investigative purposes.

**B. Hotlist**

A downloadable list of stolen vehicles and license plates, suspended or revoked licenses and registrations, as well as any other unlawful activity information. This information is provided by the Minnesota Department of Public Safety's Driver and Vehicle Services (DVS) Division, National Crime Information Center (NCIC), and the Bureau of Criminal Apprehension (BCA). LPR data is compared to a downloaded "hotlist" to identify license plates associated with certain unlawful acts.

**C. Alert**

An alert is generated when the Automated License Plate Reader identifies license plates that have the possibility of matching information on the hotlist.

## III. OVERVIEW

**A. General**

1. LPR will be primarily used to identify possible stolen plates and vehicles, suspended or revoked license holders and vehicle registrations; however, license plate information may be entered in manually in situations such as violent felonies, attempt to locate information, and Amber Alerts. A supervisor must be notified of any manual entry and the reason manual entry was done.
2. An alert, in and of itself, does not constitute probable cause or reasonable suspicion to initiate a traffic stop. All alerts must be confirmed by the Trooper and reasonable suspicion or probable cause must be established prior to conducting a traffic stop.
3 Use of the LPR is restricted to the purposes identified in this General Order. No Troopers may use, or authorize the use of, the equipment or hotlist data for any other reason.
4. Troopers may only utilize the LPR system if they have been properly trained in its use.

**B. Limitations of the LPR**

1. Because the LPR is not connected to a "real-time" database, but rather a downloaded file, the data on the LPR may be outdated. As such, it is imperative for Troopers to independently confirm all alerts prior to initiating a traffic stop. The hotlist is a scheduled task on the LPR, set up on the server to load twice daily. Troopers should upload the latest hotlist prior to use of the device.

2. The LPR may generate a false-positive alert in certain instances, such as if another state's license plate number matches the numbers of a Minnesota license plate on the hotlist.

## IV. PROCEDURES

**A. Receiving an Alert**

1. When the LPR detects a hotlist entry, an audible alert and visual notification will be generated.
2. An alert shall not be used on its own as reasonable suspicion or probable cause for a traffic stop or enforcement contact. Contact with the vehicle and occupants may only be made after the alert is confirmed by matching both vehicle and driver/occupant information with the hotlist description and verifying information through appropriate means such as dispatch, MDC, CJIS, originating agency, etc.

**B. Reporting Requirements**

1. CAD Entry - when a stop is made after the LPR alert goes off, start a field event and in the Comments Field, type "LPR ALERT, LPR ARREST." Also include the applicable circumstances and any enforcement action taken.
2. Public Log – A member utilizing LPR shall completely fill out the revised public LPR log (found in the Trooper Templates folder on the L: Drive) by the end his/her shift and ensure that the logs are maintained for audit and reporting purposes.
3. Biennial Reporting Requirements – The Chief or his designee shall ensure compliance with the biennial auditing/reporting requirements regarding LPR logs/records as outlined in Minn. Stat. 13.824, subd. 6.
4. BCA Notification of Installation – The MSP Director of Fleet shall notify the BCA within ten days of any new installation of an LPR device.

## V. DATA

1. The LPR scans the license plate and vehicle. It does not take pictures of the driver or occupants of the vehicle.
2. Alert data is not included in drivers' license or vehicle registration databases maintained by Driver and Vehicle Services.
3. Data associated with license plates and vehicles scanned must be deleted within 48 hours after the end of a shift unless extenuating circumstances exist.
4. Pursuant to Minn. Stat. sec. 13.824, subd. 7, law enforcement personnel may not access existing LPR data even for a legitimate, specified and documented law enforcement purpose unless written authorization is provided by the Chief or his designee. Each access must be based upon a reasonable suspicion that the data is pertinent to an active criminal investigation and must include 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. Pursuant to Minn. Stat. sec. 13.09, any person who willfully violates a provision of Chapter 13 or its rules or who knowingly acquires not public data without authorization is guilty of a misdemeanor and such an act constitutes just cause for suspension without pay or dismissal of a public employee.

**Approved:**

**SIGNED 7/31/2015**

**Colonel Matthew Langer, Chief**
**Minnesota State Patrol**