

## INDEPENDENT AUDIT REPORT

J.D. Carlson  
Director of Public Safety  
Albert Lea Police Department  
221 E. Clark St.  
Albert Lea, MN 56007

Dear Public Safety Director Carlson:

An independent audit of the Albert Lea Police Department's Automated License Plate Reader (ALPR) System was conducted on June 11, 2021, at the Albert Lea Police Department. The objective of the audit was to verify Albert Lea Police Department's compliance with Minnesota Statute §§13.824.

Data elements of the audit include:

Minnesota Statute §13.824

- Data Collection; Classification; Use Restrictions
- Destruction of Data Required
- Sharing Among Law Enforcement Agencies
- Log of Use Required
- Biennial Audit
- Authorization to Access Data
- Notification to Bureau of Criminal Apprehension

The Albert Lea Police Department is located in Freeborn County, Minnesota and employs twenty-eight (28) peace officers.

The Albert Lea Police Department utilizes PIPS Technology Automated License Plate Readers (ALPR) in two (2) patrol vehicles. The Agency has no stationary or fixed location readers. Data is managed in the Back Office Server Software (BOSS4) and is stored on a local file server.

The Albert Lea Police Department ALPR program was implemented March 21, 2019. This audit covers the time period March 21, 2019, through May 31, 2021.

### **Audit Requirement: Data Collection; Classification; Use Restrictions**

***Data Collection:** Determine if data collected by the ALPR is limited to license plate numbers; date, time, and location data on vehicles; and pictures of license plates, vehicles, and areas surrounding the vehicles.*

A review of data stored in BOSS4 confirmed that ALPR Data collected by Albert Lea Police Department is limited to license plate numbers; date, time, location data on vehicles; and pictures of license plates, vehicles, and areas surrounding the vehicles.

**Classification:** *Determine if the data collected by ALPRs are appropriately classified.*

Albert Lea Police Department ALPR data is presumptively private. All data collected by the Albert Lea Police Department for the audit period is classified as private data. The Albert Lea Police Department had no instances of ALPR data with a public data classification.

**Use Restrictions:** *Determine if data collected by an ALPR is only matched with data in the Minnesota license plate data file and that data is not stored in a central state repository of ALPR data and that ALPRs are not used to monitor or track an individual who is the subject of an active criminal investigation unless authorized by a warrant, issued upon probable cause, or exigent circumstances justify the use without obtaining a warrant.*

The Albert Lea Police Department ALPR data is matched only with data in the Minnesota License Plate Data File. Albert Lea Police Department ALPR data is stored on a local file server and is not stored in a central state repository of ALPR data.

In accordance with policy and Minnesota Statute 13.824, the Albert Lea Police Department does not monitor or track individuals who are the subject of an active criminal investigation using ALPR, nor have they applied for a warrant to do so. Albert Lea Police Department has not monitored or tracked individuals who are the subject of an active criminal investigation under exigent circumstances without a warrant using ALPR.

*No discrepancies noted.*

#### **Audit Requirement: Destruction of Data Required**

*Determine that the data collected by ALPR's are appropriately destroyed in accordance with statutes.*

BOSS4 is hard coded to systematically destroy ALPR data 30 days from the date of collection. A query of data stored in BOSS4 confirmed that no data older than 30 days was maintained. No ALPR data related to an active criminal investigation was maintained past the 30-day retention period.

Albert Lea Police Department has received neither requests from individuals who are the subject of a pending criminal charge or complaint, to preserve ALPR data until the criminal charge or complaint is resolved or dismissed, nor have they received requests from program participants under chapter 5B, to have ALPR data destroyed at the time of collection or upon receipt of the request.

*No discrepancies noted.*

## **Audit Requirement: Sharing Among Law Enforcement Agencies**

*Determine if the sharing of ALPR data with other law enforcement agencies in accordance with statutes.*

The Albert Lea Police Department's ALPR policy governs sharing of ALPR data among law enforcement agencies and prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law.

Law enforcement or prosecutorial agencies seeking access to ALPR data are required to submit a written request including the name of the agency, the name of the person requesting access, the intended purpose for obtaining information, a record of the factual basis for the access and any associated case number, complaint or incident that is the basis for the access and a statement that the request is authorized by the head of the requesting law enforcement agency or his/her designee. Requests are reviewed by the Section Commander or authorized designee prior to the approval for release. The approved request is retained by the Albert Lea Police Department.

Albert Lea Police Department does not share with, disseminate to, sell to, or trade ALPR data with any other individual or entity.

*No discrepancies noted.*

## **Audit Requirement: Log of Use Required**

*Determine if the agency maintains a public log of ALPR use in accordance with statute.*

Albert Lea Police Department maintains an electronic public log of ALPR use, which consists of system generated reports that summarize data collected by ALPRs. A review of the system generated reports confirms that the public log includes:

- The date and time the ALPR actively collected data;
- The aggregate number of vehicles or license plates on which data was collected for each period of active use;
- The Minnesota License Plate Data File Hot List database the license plates were compared to;
- The number of hits/alarms for vehicles or license plates where the data identify a vehicle or license plate that has been stolen, a warrant for the arrest of the owner of a vehicle or an owner with a suspended or revoked driver's license or similar category or are active investigative data.

The Albert Lea Police Department has neither stationary or fixed location ALPRs nor other surveillance devices with ALPR capabilities.

*No discrepancies noted.*

### **Audit Requirement: Biennial Audit**

The Albert Lea Police Department maintains records showing the date and time automated license plate reader data were collected and the applicable classification of the data in BOSS4. All data collected by the Albert Lea Police Department for the time period March 21, 2019, through May 31, 2021, is classified as private data on individuals or nonpublic data. All ALPR data was destroyed thirty (30) days after collection. The Albert Lea Police Department is in compliance with statutes governing access to ALPR data.

*No discrepancies noted.*

### **Audit Requirement: Authorization to Access Data**

*Determine if the law enforcement agency complies with statutes governing the operation of and access to ALPR software and data.*

The Albert Lea Police Department has established an ALPR policy. The ALPR policy governs access to ALPR data. Members approved to access ALPR data are permitted to do so for legitimate law enforcement purposes only.

Back-end administration of BOSS4 is managed by the Police Lieutenant and access is managed by the assignment of roles and permissions. Data is only accessible to persons who have completed department approved training and whose work assignment reasonably requires access. Officer access to ALPR data is limited to data collected during the officer's shift. At the end of the officer's shift, collected ALPR data becomes historical data and access is limited to Supervisors and Investigators. BOSS4 maintains an audit trail of active ALPR data and captures all actions taken on ALPR data including access.

The Albert Lea Police Department has had no breaches of security.

*No Discrepancies noted.*

### **Audit Requirement: Notification to Bureau of Criminal Apprehension**

*Determine if the agency notified the Bureau of Criminal Apprehension of its ALPR program.*

The Albert Lea Police Department's ALPR system was implemented in 2019. The Albert Lea Police Department reported to the BCA that two marked patrol vehicles were equipped with ALPR cameras and technology. Albert Lea Police Department does not appear on the published list of BCA License Plate Reader Agency Data. The Albert Lea Police Department has neither integrated the ALPR technology into another surveillance device nor installed or used any fixed location or a stationary ALPR.

*No discrepancies noted.*

This report was prepared exclusively for the City of Albert Lea and Albert Lea Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on the Albert Lea Police Department ALPR policy and information and documentation provided by the Albert Lea Police Department and examined by Lynn Lembcke.

Dated: October 2, 2021

Lynn Lembcke Consulting

A handwritten signature in blue ink that reads "Lynn Lembcke". The signature is written in a cursive style with a loop at the end of the last name.

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Lynn Lembcke