



**Biennial Audit of the Woodbury Public Safety Department
Automated License Plate Reader System
Conducted by LEADS Consulting
Audit Summary Report
Submitted November 13, 2017**

Pursuant to Minnesota Statute 13.824 LEADS Consulting conducted an audit of the Automated License Plate Reader (ALPR) System at the Woodbury Public Safety Department to ensure compliance with state law. The audit was conducted on September 19, 2017. Public Safety Technician Polly Wessels who manages the data collection was the point of contact for auditors.

A copy of the Woodbury Public Safety Department policy regarding ALPR was reviewed and is attached to this audit as appendix A. Verbal information regarding operations and practices was received from Public Safety Technician Wessels who monitors the ALPR system. Auditors also spoke to Public Information Officer Michelle Okada who is also responsible for compliance issues. 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

Woodbury ALPR System

The Woodbury Public Safety Department utilizes the 3M BOSS system software. They have three mobile squads equipped with ALPR cameras. The system has been in operation since July of 2015.

At the time of the audit on September 19, 2017, the system had recorded 56,774 “reads” and 560 “hits” or “alarms” during the previous 60 days. Hits and alarms were a result of a drivers license suspension or revocation infraction, stolen vehicles and arrest warrants on the owners.

“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 Woodbury Public Safety 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 56,774 “reads” from the last 60 days. We examined 560 “reads”.

All 560 data “reads” and photographs were in compliance with Subd. 2.

The following observations were noted during the audit/examination of 560 “reads”.

Eighteen false reads were generated by bumper stickers, police graphics, house signs, street signs, and mail boxes containing words or numbers.

One read had a person in the photograph near a vehicle plate being read but their image was not discernible.

One ALPR Unit had a nonfunctioning GPS recording system which was repaired shortly after our examination and reexamined for functionality.

A more detailed analysis of the “560” “hits” during the most recent 60 days revealed that 85 of the “hits” were duplicate “reads”.

Classification of ALPR Data

The Woodbury Public Safety Department Policy references Minnesota Statutes and states that “It is the policy of the Woodbury Public Safety Department to utilize ALPR technology as authorized by law.”

Public Safety Technician Wessels who monitors the ALPR system is familiar with the law pertaining to ALPR and the classification of data.

The Woodbury Public Safety Department data classification is in compliance with Minnesota Law.

Destruction of ALPR Data

The Woodbury Public Safety Department ALPR policy states that “Data collected by an automated license plate reader that are not related to an active investigation must be destroyed no later than 60 days from the date of collection”.

Our examination of the Woodbury Public Safety Department ALPR data base 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 Woodbury Public Safety Department data storage and destruction policy can be found in appendix A of this report.

The examination indicates that the Woodbury Public Safety Department is in compliance with the destruction of data provision.

Access to ALPR Data

The Woodbury Public Safety Department policy states that “Each access to ALPR data must be based on a reasonable suspicion that the data are 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 of the access.”

Public Safety Technician Wessels and Public Information Officer Okada state that the department does not allow individual officer in squad cars to search the ALPR data base.

The Woodbury 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

Woodbury Public Safety Department policy states that data may only be shared with law enforcement agencies “as permitted by law”.

Public Safety Technician Wessels states that the department has not had a request to search the ALPR data base since its creation in July of 2015 and consequently has not shared any data.

More information regarding the Woodbury Public Safety Department policy regarding sharing of data is contained in appendix A.

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 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. Public Safety Technician Wessels maintains a detailed “Log of Use” report entitled ALPR Deployment. The report includes the date of use, the officers name, the number of reads, hits and citations/arrests and the corresponding case number of any arrest.

The department has no stationary or fixed license plate readers.

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

Audit Conclusion

The Woodbury Public Safety Department has an ALPR policy that reflects MN statute 13.842 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 by Public Safety Technician Polly Wessels and the ALPR data system is professionally monitored for compliance by Public Information Officer Michelle Okada.

LEADS Consulting finds the Woodbury Public Safety Department to be in compliance with Minnesota Statute 13.824.

A handwritten signature in cursive script that reads "Bob Fletcher". The signature is written in black ink and is positioned above a horizontal line.

Bob Fletcher
Director
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 CITY OF Woodbury PUBLIC SAFETY DEPARTMENT POLICE PROCEDURE BY ORDER OF THE PUBLIC SAFETY DIRECTOR	Effective Date: 07/21/2015	Admin Order No.: PP-431
	Original Issue: 07/21/2015	Approval: 
	Applicability: All Police Division Personnel	
AUTOMATED LICENSE PLATE READERS (ALPRs)		

PURPOSE

Automated License Plate Reader (ALPR) surveillance technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used to convert data associated with vehicle license plates for official law enforcement purposes such as conducting an investigation, responding to an incident or request for service, monitoring or maintaining public order and safety, or engaging in any other law enforcement function authorized by law.

POLICY

It is the policy of the Woodbury Public Safety Department to utilize ALPR technology as authorized by law.

DEFINITIONS

Automated License Plate Reader: (As defined in Minnesota State Statute 13.824, Subd. 1)
 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 purpose.

PROCEDURE

Administration of ALPR

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the designees of the Woodbury Public Safety Director. The Patrol Division Commander will assign personnel under their command to administer the day-to-day operation of the ALPR equipment and data.

ALPR Operations and Restrictions

1. No member of the Woodbury Public Safety Department shall operate ALPR equipment and/or access ALPR data without first completing the authorized in-service training.
2. All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

3. ALPRs must NOT be 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.
4. For the installation and/or use of an ALPR, the Woodbury Public Safety Department must maintain a public log of its use, in accordance with current law.
5. Within ten days of the installation or current use of an ALPR, or the integration of ALPR technology into another surveillance device, the Bureau of Criminal Apprehension must be notified of the installation or use and of any fixed location of a stationary ALPR.
6. An ALPR shall only be used for official and legitimate law enforcement business. Woodbury Public Safety personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose(s). Any employee found in violation of this section may be subject to discipline. Pursuant to 13.09 (Penalties), any person who willfully violates the provisions of this chapter or any rules adopted under this chapter or whose conduct constitutes the knowing unauthorized acquisition of not public data, as defined in section 13.055, subdivision 1, is guilty of a misdemeanor. In addition, willful violation of this chapter, including any action subject to a criminal penalty under paragraph (a), by any public employee constitutes just cause for suspension without pay or dismissal of the public employee.
7. Any issues with the ALPR system should be immediately reported to the APLR Administrator or a Supervisor.
8. ALPR system audits must be conducted in accordance with current laws.

ALPR Data Collection and Destruction

1. Data collected by an ALPR must be limited to the following:
 - a. License plate numbers,
 - b. Date, time and location data on vehicles, and
 - c. Pictures of license plates, vehicles and areas surrounding the vehicles.
2. Data collected by an automated license plate reader that are not related to an active criminal investigation must be destroyed no later than 60 days from the date of collection.
3. Data that are inactive criminal investigative data are subject to destruction according to the retention schedule for the data established under section 138.17 (Government Records: Administration)
4. In those circumstances of data that is of evidentiary value, the applicable data should be exported and attached to the case file.

5. The ALPR law becomes effective August 1, 2015. Data collected before the effective date of this section must be destroyed, if required by this section, no later than 15 days after August 1, 2015.

ALPR Data Access, Sharing and Dissemination

1. All data and images gathered by an ALPR are for the official use of the Woodbury Public Safety Department. With limited exceptions, all data collected by an ALPR are considered private data.
2. Each access to ALPR data must be based on a reasonable suspicion that the data are 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.
3. ALPR data gathered and retained by the Woodbury Public Safety Department related to an active criminal investigation may be disseminated to prosecutors or another law enforcement agency only as permitted by law.
4. ALPR data that are NOT related to an active criminal investigation may only be shared with, or disseminated to, another law enforcement agency upon meeting the standards for requesting access to data in accordance with law.
5. Non-law enforcement requests of ALPR data shall be referred to the Designee(s) of the Public Safety Director and processed in accordance with applicable law.

REFERENCES

Section 13.05 Duties of Responsible Authority
Section 13.82 Comprehensive Law Enforcement Data
Section 13.824 Automated License Plate Readers
Section 13.09 Penalties
Section 138.17 Government Records, Administration

CHANGE HISTORY

Policy Creation: 07/21/15 – Commander Mienert