

INDEPENDENT AUDIT REPORT

Chief Jeff Tate
Shakopee Police Department
475 Gorman Street
Shakopee, MN 55379

Dear Chief Tate:

An independent audit of the Shakopee Police Department's Automated License Plate Reader (ALPR) System was conducted on March 14, 2024, at the Shakopee Police Department. The objective of the audit was to verify Shakopee 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 Shakopee Police Department is located in Scott County, Minnesota and employs fifty-two (52) peace officers.

The Shakopee Police Department utilizes Eltag Plate Hunter Automated License Plate Readers (ALPR) in three patrol vehicles. The agency has no stationary or fixed location readers. Data is managed in the Eltag Enterprise Operation Center (Eltag EOC) software and is stored on a local file server.

The Shakopee Police Department ALPR program was implemented in September 2013. This audit covers the time period March 16, 2022, through February 29, 2024.

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 Eltag EOC confirmed that ALPR Data collected by Shakopee 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.*

Shakopee Police Department ALPR data is presumptively private. All data collected by the Shakopee Police Department during the audit period is classified as private data. The Shakopee 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 ALPR's 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 Shakopee Police Department ALPR data is matched only with data in the Minnesota License Plate Data File. Shakopee Police Department ALPR data is stored on a local file server. No ALPR data is stored in a central state repository of ALPR data.

In accordance with policy and Minnesota Statute 13.824, the Shakopee Police Department neither monitored or tracked individuals who are the subject of an active criminal investigation using ALPR nor have they applied for a warrant to do so. Shakopee 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 if the data collected by ALPR's are appropriately destroyed in accordance with statutes.

Elsag EOC is hard coded to systematically destroy ALPR data 60 days from the date of collection. A query of data stored in Elsag EOC confirmed that no data older than 60 days was maintained. Shakopee Police Department had no ALPR data related to an active criminal investigation during the audit period.

Shakopee Police Department has received no requests from data subjects 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. Shakopee Police Department has received no 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 Shakopee Police Department's ALPR policy states that ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law.

The Shakopee Police Department had received no requests to share ALPR data with another law enforcement agency during the audit period. Law enforcement agencies seeking access to ALPR data would be required to submit a data request form documenting the legitimate law enforcement purpose to the Chief of Police or his designee. A law enforcement agency receiving ALPR data would be informed of the statute requirements on data classification, destruction, and security at the time data was shared. An ICR would be created and sharing of data would be documented in the Records Management System. The data request form would be maintained.

Shakopee 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.

Shakopee Police Department maintains a public log of ALPR use. The public log consists of system generated reports that summarize data collected by ALPRs. A review of the public log verified that the 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 Shakopee Police Department has neither stationary nor fixed location ALPRs nor other surveillance devices with ALPR capabilities.

No discrepancies noted.

Audit Requirement: Biennial Audit

Determine if the agency maintains records showing the date and time automated license plate reader data were collected and the applicable classification of the data, how the data are used, and whether data are destroyed as required.

The Shakopee Police Department maintains records showing the date and time automated license plate reader data were collected and the applicable classification of the data in Elsas EOC. All data collected by the Shakopee Police Department during the audit period is classified as private data on individuals or nonpublic data. No data collected during this time period was used in a criminal investigation and no ALPR data was shared with other law enforcement agencies. All ALPR data was destroyed 60 days after collection. The Shakopee 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 Shakopee Police Department has established and enforces an ALPR policy. The ALPR policy governs the capture, storage, and access of ALPR data. ALPR data is only accessible by persons who work assignment reasonably requires access to the data. Access is managed by the assignment of roles and permissions in Elsas EOC. Elsas EOC is password protected.

ALPR data may only be accessed when reasonable suspicion exists that the data is pertinent to an active criminal investigation. Queries of ALPR data are documented in an associated ICR and must include a record of the factual basis for the access and an associated case number, complaint, or incident that is the basis for the access. Access to ALPR data is captured in the audit trail.

Access to ALPR software and data is limited to law enforcement officers who have been fully trained on the proper use of the ALPR and have been granted access within Elsas EOC. Back-end administration of Elsas EOC is managed by a Sergeant. 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 a Sergeant.

The Shakopee Police Department has had no security breaches. A BCA CJIS Security Audit was conducted in April of 2022.

No discrepancies noted.

Audit Requirement: Notification to Bureau of Criminal Apprehension

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

The Shakopee Police Department's ALPR system was implemented in 2013. The Shakopee Police Department reported their ALPR information to the BCA and appears on the published list of BCA License Plate Reader Agency Data. The Shakopee 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 Shakopee and Shakopee Police Department by Lynn Lembcke Consulting. The findings in this report are impartial and based on the Shakopee Police Department ALPR policy and information and documentation provided by the Shakopee Police Department and examined by Lynn Lembcke.

Dated: May 2, 2024

Lynn Lembcke Consulting

Lynn Lembcke

Lynn Lembcke