

DEEPHAVEN POLICE DEPARTMENT

POLICY: AUTOMATED LICENSE PLATE RECOGNITION

POLICY #- L-1

EFFECTIVE DATE: 02/03/23

REVIEW DATE: 01/13/2026

APPROVED BY: Chief

Title: Automated License Plate Recognition (ALPR) System

Distribution: Sworn Officers

It shall be the policy of this department to allow the use of Automated License Plate Recognition (ALPR) systems in accordance with Minnesota Statutes and as outlined in this policy.

A. Definition

1. "Automated license plate reader" means 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. Automated license plate reader does not include a traffic safety camera system.

B. Overview

1. The ALPR system is a computer-based technology that captures license plate numbers and compares them with data in the Minnesota license plate data file.
2. Per MN Statute 13.824 Subd. 2(c), data collected by an automated license plate reader may only be matched with data in the Minnesota license plate data file, provided that a law enforcement agency may use additional sources of data for matching if the additional data relate to an active criminal investigation.

3. Data collected shall be limited to:
 - a) License plate numbers
 - b) Date, time, and location data on vehicles
 - c) Pictures of license plates, vehicles, and areas surrounding the vehicles
 4. Collection of any data not authorized by MN Statute 13.824 Subd. 2(a) is prohibited.
 5. Data collected by an automated license plate reader are private data on individuals or nonpublic data unless the data are public under section 13.82, subdivision 2, 3, or 6, or are active criminal investigative data under section 13.82, subdivision 7.
 6. Automated license plate readers 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.
 7. A person must not use a traffic safety camera system for purposes of this section (Subd. 2a).
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C. Operator Responsibilities

1. Only department personnel trained in the proper use of the ALPR system may operate the system(s).
 2. The ALPR system shall only be used for official and legitimate law enforcement business.
 3. Operators receiving a "hit" on the ALPR system shall obtain independent verification of the information associated with the "hit" prior to taking any enforcement action. Verification shall be made by running the information through the state real-time data system using either the MDC or Dispatch, or through confirmation received from the source that generated the data resulting in the "hit".
 4. Any problem with the ALPR systems should be reported promptly to the Chief of Police.
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D. Data Storage and Retention

1. Notwithstanding section 138.17, and except as otherwise provided in MN Statute 13.824 Subd. 3:
 - a) 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.

b) Upon written request from an individual who is the subject of a pending criminal charge or complaint, along with the case or complaint number and a statement that the data may be used as exculpatory evidence, data otherwise subject to destruction must be preserved by the law enforcement agency until the criminal charge or complaint is resolved or dismissed.

c) Upon written request from a program participant under chapter 5B, automated license plate reader data related to the program participant must be destroyed at the time of collection or upon receipt of the request, whichever occurs later, unless the data are active criminal investigative data. The existence of a request submitted under this paragraph is private data on individuals.

d) Data that are in active criminal investigative data are subject to destruction according to the retention schedule for the data established under section 138.17.

E. Release and Sharing of Data

1. ALPR information gathered and retained by the department may be used and shared with prosecutors and other law enforcement agencies for legitimate law enforcement purposes or as otherwise permitted by law and in accordance with applicable department policies and in compliance with Minnesota Statute 13.824 Subds. 4 and 7.
2. Automated license plate reader 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 as provided in MN Statute 13.824 Subd. 7.
3. If data collected by an automated license plate reader are shared with another law enforcement agency under this subdivision, the agency that receives the data must comply with all data classification, destruction, and security requirements of this section.

F. Access to ALPR Data

1. The ability of authorized individuals to enter, update, or access automated license plate reader data will be limited through the use of role-based access that corresponds to the official duties or training level of the individual and the statutory authorization that grants access for that purpose.

2. All queries and responses, and all actions in which data are entered, updated, accessed, shared, or disseminated, must be recorded in a data audit trail. Data contained in the audit trail are public, to the extent that the data are not otherwise classified by law.
3. Only those approved by the Chief of Police may access the data collected by the ALPR system. The data accessed must be pertinent to an active criminal investigation. A record of all data queries shall be generated indicating the factual basis for the access and any associated case number, complaint or basis for the access.
4. Information or data captured by Flock Cameras is the property of the City of Deephaven, even though the camera equipment, software and programming remain the property of Flock. The Flock information or data owned and maintained by the City of Deephaven is reserved for the exclusive use by the City of Deephaven. This information or data is statutorily defined as “non-public data,” meaning that it is not accessible or discoverable via Data Practices Request. See generally, Minn. Stat. §13.824.

In extremely limited situations, Flock information or data may be provided to individuals, governmental entities or other jurisdictions, but shall only be provided subject to subpoena, warrant or order issued by a court of competent jurisdiction, or upon the existence of a qualified exception to the warrant requirements as provided by statutory authority or as further defined by Minnesota case law. The determination of the “exigent circumstances exception” to the warrant requirement will be made by the best judgement of the Deephaven Chief of Police.

G. Logging and Public Records

1. The Department will maintain a public log of its use, including but not limited to:
 - a) Specific times of day that the reader actively collected data;
 - b) The aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal databases with which the data were compared, unless the existence of the database itself is not public;
 - c) For each period of active use, the number of vehicles or license plates in each of the following categories where the data identify a vehicle or license plate that has been stolen, a warrant for the arrest of the owner of the vehicle or an owner with a suspended or revoked driver's license or similar category, or are active investigative data;
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H. Records Review and Audit

1. The Police Chief or their designee will maintain a record for the purpose of audit. The record shall show the date and time ALPR data was collected and the applicable classification of the data.
2. The data shall be reviewed on a biennial basis, by a person independent of the police department to verify whether the data is classified, how the data was used, whether the data was destroyed in compliance with this policy and to verify the data was accessed in compliance with this policy and MN Statute 13.824 Subd. 6.
3. The results of the audit are public. The commissioner of administration shall review the results of the audit. If the commissioner determines that there is a pattern of substantial noncompliance with this section by the law enforcement agency, the agency must immediately suspend operation of all automated license plate reader devices until the commissioner has authorized the agency to reinstate their use.
4. A report summarizing the results of each audit must be provided to the commissioner of administration, to the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over data practices and public safety issues, and to the Legislative Commission on Data Practices and Personal Data Privacy no later than 30 days following completion of the audit.