**2017 Annual Report to the Vermont Senate and House Committees on Judiciary and Transportation as required by:**
**23 V.S.A. §**
**1607 AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS**

# Vermont Department of Public Safety, Division of State Police

Submitted by:
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# *EXECUTIVE SUMMARY*

Title 23. Vermont Statutes Annotated, sections 1607 (Automated License Plate Recognition Systems) and 1608 (Preservation of Data) was originally signed into law by Governor Peter Shumlin at the close of the 2013 session. On June 6, 2016 Gov. Shumlin signed the proposed S.155 (An act relating to privacy protection) which in part, addresses the Automated License Plate Recognition (ALPR) system. The current law made considerable changes to how ALPR data is reported. Some of these changes, specifically the reporting requirements for agencies to report law enforcement action taken on a generated alert, have been extremely challenging to comply with.

At the beginning of the reporting period, there were 69 ALPR units deployed and operating in Vermont.  However, because of the increase in and complexity of mandated ALPR reporting requirements together with  the uncertainty of continued funding for ALPRs eighteen (18) law enforcement agencies suspended their use of their ALPR unit(s) during the year resulting in  twenty-eight (28) fewer ALPR units currently deployed in the state. This has resulted in 3,443,452 fewer plate reads than last calendar year.  The following agencies no longer use ALPR(s): Barre PD, Bennington PD, Bennington SD, Brandon PD, Brattleboro PD, Castleton PD, Grand Isle SD, Hardwick PD, Ludlow PD, Manchester PD, Newport PD, Orange SD, Orleans SD, Rutland Town PD, South Burlington PD, Vergennes PD, Vermont State Police and Wilmington PD.

In consultation with the Department of Motor Vehicles (DMV), they report their new ALPR units are still in a test phase and that they are working through some technical issues setting up their system. They are not recording plate reads nor do their units receive DMV or NCIC files. Their ALPR units do receive Performance and Registration Information Systems Management (PRISM) hits which relate to motor carriers that are subject to federal out of service orders. The Department of Motor Vehicle's ALPR system and server is maintained and operated by DMV.

# *Vermont Statutes pertaining to the creation of this report*

*Title 23 § 1607. Automated license plate recognition systems*

(a) Definitions. As used in this section:

(1) "Active data" is distinct from historical data as defined in subdivision (3) of this subsection and means data uploaded to individual automated license plate recognition system units before operation as well as data gathered during the operation of an ALPR system. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose.

(2) "Automated license plate recognition system" or "ALPR system" means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data.

(3) "Historical data" means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose.

(4) "Law enforcement officer" means a State Police officer, municipal police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Training Council as a level II or level III law enforcement officer under 20 V.S.A. § 2358.

(5) "Legitimate law enforcement purpose" applies to access to active or historical data, and means investigation, detection, analysis, or enforcement of a crime or of a commercial motor vehicle violation or a person's defense against a charge of a crime or commercial motor vehicle violation, or operation of AMBER alerts or missing or endangered person searches.

(6) "Vermont Intelligence Center analyst" means any sworn or civilian employee who through his or her employment with the Vermont Intelligence Center (VIC) has access to secure databases that support law enforcement investigations.

(b) Operation. A Vermont law enforcement officer shall be certified in ALPR operation by the Vermont Criminal Justice Training Council in order to operate an ALPR system.

(c) ALPR use and data access; confidentiality.

(1)(A) Deployment of ALPR equipment by Vermont law enforcement agencies is intended to provide access to law enforcement reports of wanted or stolen vehicles and wanted persons and to further other legitimate law enforcement purposes. Use of ALPR systems by law enforcement officers and access to active data are restricted to legitimate law enforcement purposes.

(B) Active data may be accessed by a law enforcement officer operating the ALPR system only if he or she has a legitimate law enforcement purpose for the data. Entry of any data into the system other than data collected by the ALPR system itself must be approved by a supervisor and shall have a legitimate law enforcement purpose.

(C)(i) Requests to access active data shall be in writing and include the name of the requester, the law enforcement agency the requester is employed by, if any, and the law enforcement agency's Originating Agency Identifier (ORI) number. To be approved, the request must provide specific and articulable facts showing that there are reasonable grounds to believe that the data are relevant and material to an ongoing criminal, missing person, or commercial motor vehicle investigation or enforcement action. The written request and the outcome of the request shall be transmitted to VIC and retained by VIC for not less than three years.

(ii) In each department operating an ALPR system, access to active data shall be limited to designated personnel who have been provided account access by the department to conduct authorized ALPR stored data queries. Access to active data shall be restricted to data collected within the past seven days.

(2)(A) A VIC analyst shall transmit historical data only to a Vermont or out-of-state law enforcement officer or person who has a legitimate law enforcement purpose for the data. A law enforcement officer or other person to whom historical data are transmitted may use such data only for a legitimate law enforcement purpose. Entry of any data onto the statewide ALPR server other than data collected by an ALPR system itself must be approved by a supervisor and shall have a legitimate law enforcement purpose.

(B) Requests for historical data within six months of the date of the data's creation, whether from Vermont or out-of-state law enforcement officers or other persons, shall be made in writing to a VIC analyst. The request shall include the name of the requester, the law enforcement agency the requester is employed by, if any, and the law enforcement agency's ORI number. To be approved, the request must provide specific and articulable facts showing that there are reasonable grounds to believe that the data are relevant and material to an ongoing criminal, missing person, or commercial motor vehicle investigation or enforcement action. VIC shall retain all requests and shall record in writing the outcome of the request and any information that was provided to the requester or, if applicable, why a request was denied or not fulfilled. VIC shall retain the information described in this subdivision (c)(2)(B) for no fewer than three years.

(C) After six months from the date of its creation, VIC may only disclose historical data:

(i) pursuant to a warrant if the data are not sought in connection with a pending criminal charge; or

(ii) to the prosecution or the defense in connection with a pending criminal charge and pursuant to a court order issued upon a finding that the data are reasonably likely to be relevant to the criminal matter.

(3) Active data and historical data shall not be subject to subpoena or discovery, or be admissible in evidence, in any private civil action.

(4) Notwithstanding any contrary provisions of subdivision (2) of this subsection, in connection with commercial motor vehicle screening, inspection, and compliance activities to enforce the Federal Motor Carrier Safety Regulations, the Department of Motor Vehicles (DMV):

(A) may maintain or designate a server for the storage of historical data that is separate from the statewide server;

(B) may designate a DMV employee to carry out the same responsibilities as a VIC analyst and a supervisor as specified in subdivision (2) of this subsection; and

(C) shall have the same duties as the VIC with respect to the retention of requests for historical data.

(d) Retention.

(1) Any ALPR information gathered by a Vermont law enforcement agency shall be sent to the Department of Public Safety to be retained pursuant to the requirements of subdivision (2) of this subsection. The Department of Public Safety shall maintain the ALPR storage system for Vermont law enforcement agencies.

(2) Except as provided in this subsection and section 1608 of this title, information gathered by a law enforcement officer through use of an ALPR system shall only be retained for 18 months after the date it was obtained. When the permitted 18-month period for retention of the information has expired, the Department of Public Safety and any local law enforcement agency with custody of the information shall destroy it and cause to have destroyed any copies or backups made of the original data. Data may be retained beyond the 18-month period pursuant to a preservation request made or disclosure order issued under Section 1608 of this title or pursuant to a warrant issued under Rule 41 of the Vermont or Federal Rules of Criminal Procedure.

(e) Oversight; rulemaking.

(1) The Department of Public Safety, in consultation with the Department of Motor Vehicles, shall establish a review process to ensure that information obtained through use of ALPR systems is used only for the purposes permitted by this section. The Department of Public Safety shall report the results of this review annually on or before January 15 to the Senate and House Committees on Judiciary and on Transportation. The report shall contain the following information based on prior calendar year data:

(A) the total number of ALPR units being operated in the State and the number of units submitting data to the statewide ALPR database;

(B) the number of ALPR readings each agency submitted, and the total number of all such readings submitted, to the statewide ALPR database;

(C) the 18-month cumulative number of ALPR readings being housed on the statewide ALPR database as of the end of the calendar year;

(D) the total number of requests made to VIC for historical data, the average age of the data requested, and the number of these requests that resulted in release of information from the statewide ALPR database;

(E) the total number of out-of-state requests to VIC for historical data, the average age of the data requested, and the number of out-of-state requests that resulted in release of information from the statewide ALPR database;

(F) the total number of alerts generated on ALPR systems operated by law enforcement officers in the State by a match between an ALPR reading and a plate number on an alert database and the number of these alerts that resulted in an enforcement action;

(G) the total number of criminal, missing person, and commercial motor vehicle investigations and enforcement actions to which active data contributed, and a summary of the nature of these investigations and enforcement actions;

(H) the total number of criminal, missing person, and commercial motor vehicle investigations and enforcement actions to which historical data contributed, and a summary of the nature of these investigations and enforcement actions; and

(I) the total annualized fixed and variable costs associated with all ALPR systems used by Vermont law enforcement agencies and an estimate of the total of such costs per unit.

(2) Before January 1, 2018, the Department of Public Safety shall adopt rules to implement this section. (Added 2013, No. 69, § 1; amended 2015, No. 169 (Adj. Sess.), § 8.)


### Title 23 § 1608. Preservation of data

(a) Preservation request.

(1) A law enforcement agency or the Department of Motor Vehicles or other person with a legitimate law enforcement purpose may apply to the Criminal Division of the Superior Court for an extension of up to 90 days of the 18-month retention period established under subdivision 1607(d)(2) of this title if the agency or Department offers specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data are relevant and material to an ongoing criminal or missing persons investigation or to a pending court or Judicial Bureau proceeding involving enforcement of a crime or of a commercial motor vehicle violation. Requests for additional 90-day extensions or for longer periods may be made to the Superior Court subject to the same standards applicable to an initial extension request under this subdivision.

(2) A governmental entity making a preservation request under this section shall submit an affidavit stating:

(A) the particular camera or cameras for which captured plate data must be preserved or the particular license plate for which captured plate data must be preserved; and

(B) the date or dates and time frames for which captured plate data must be preserved.

(b) Captured plate data shall be destroyed on the schedule specified in section 1607 of this title if the preservation request is denied or 14 days after the denial, whichever is later. (Added 2013, No. 69, § 2; amended 2015, No. 169 (Adj. Sess.), § 9.)

***Total number of ALPR units being operated in the State and the number of units submitting data to the statewide ALPR database***

A total of 69 ALPR's operated by state, county and municipal law enforcement agencies in Vermont provided data during the reporting period. At the end of the reporting period, there were 41 ALPR units in operation.

**T*he number of ALPR readings each agency submitted, and the total number of all such readings submitted, to the statewide ALPR database***

## ALPR Readings by Agency

| Agency | ALPR Reads January 1 – December 31, 2017 | ALPR Reads July 1, 2016 – December 31, 2017 |
|---|---|---|
| Vermont State Police | 180,065 | 549,689 |
| Bennington PD | 0 | 55,712 |
| Bennington CSD | 12,274 | 21,568 |
| Brandon PD | 23,209 | 41,979 |
| Burlington PD | 122,802 | 158,717 |
| Chittenden CSD | 242,741 | 624,428 |
| Colchester PD | 62,620 | 275,918 |
| Dept. of Motor Vehicles | 0 | 0 |
| Essex PD | 143,962 | 180,545 |
| Essex CSD | 31,423 | 39,116 |
| Franklin CSD | 55,881 | 82,728 |
| Hinesburg PD | 100,047 | 144,022 |
| Lamoille CSD | 67,174 | 67,174 |
| Milton PD | 507,328 | 729,907 |
| Northfield PD | 11,263 | 30,290 |
| Orange CSD | 32,607 | 54,912 |
| Orleans CSD | 0 | 983 |
| Rutland City PD | 13 | 13 |
| Rutland CSD | 20,712 | 88,082 |
| Rutland Town PD | 52,314 | 98,497 |
| South Burlington PD | 18,012 | 274,897 |
| Shelburne PD | 143,077 | 365,001 |
| Springfield PD | 34,140 | 34,140 |

| Agency | ALPR Reads January 1 – December 31, 2017 | ALPR Reads July 1, 2016 – December 31, 2017 |
|---|---|---|
| St. Albans PD | 25,632 | 67,554 |
| Stowe PD | 35,422 | 53,287 |
| Swanton PD | 37,935 | 64,789 |
| Vergennes PD | 44,553 | 90,111 |
| Waterbury PD | 905 | 13,907 |
| Williston PD | 294,491 | 742,172 |
| Wilmington PD | 0 | 77 |
| Windsor CSD | 44,096 | 103,170 |
| Winhall PD | 72,868 | 87,952 |
| Winooski PD | 200,752 | 234,022 |
| | | |
| **TOTAL READS** | **2,618,318** | **5,375,359** |

**The 18-month cumulative number of ALPR readings being housed on the statewide ALPR database as of the end of the calendar year: *5,375,359***

<u>**In-state requests**</u>

***The total number of requests made to VIC for historical data, the average age of the data requested, and the number of these requests that resulted in release of information from the statewide ALPR Database:***

***Total Number of Requests Made to the VIC* - 235**

## *TYPE OF ALPR REQUESTS TO VIC*

| | |
|---|---|
| Historical Query | **165** |
| Registration Entry | **55** |
| General Query | **15** |
| Release of Information | **36** |
| Average age of the data requested | **69 Days** |

<u>**If the information returned is not relevant to the case it is not released to the requesting agency.**</u>

Registration Removals are completed when the case is no longer active. Any Registration Entry requests completed by the VIC are purged from the ALPR system after seven (7) days regardless of the outcome of the case.

***Registration Entry:*** *An entry of a vehicle registration is manually conducted during an active investigation where waiting for the NCIC Hotlist to upload would jeopardize the case or there are safety concerns for either the occupant of the vehicle or to the general public.*

***Historical Query:*** *A query that is conducted for a specified timeframe, where the date is prior to the date of the request.*

***General Query:*** *A query that is conducted for the specified date of the request.*

<u>**Out-of-state requests**</u>
***The total number of out-of-state requests made to VIC for historical data, the average age of the data requested, and the number of these requests that resulted in release of information from the statewide ALPR Database***

***Total Number of Requests Made to the VIC*** - **71**

## *TYPE OF ALPR REQUESTS TO VIC*

| | |
|---|---|
| Historical Query | **57** |
| Registration Entry | **9** |
| General Query | **5** |
| Out-of-state Release of Information | **5** |
| Average age of the data requested | **145 Days** |

<u>**If the information returned is not relevant to the case it is not released to the requesting agency.**</u>

Registration Removals are completed when the case is no longer active. Any Registration Entry requests completed by the VIC are purged from the ALPR system after seven (7) days regardless of the outcome of the case.

*Registration Entry: An entry of a vehicle registration is manually conducted during an active investigation where waiting for the NCIC Hotlist to upload would jeopardize the case or there are safety concerns for either the occupant of the vehicle or to the general public.*

*Historical Query: A query that is conducted for a specified timeframe, where the date is prior to the date of the request.*

*General Query: A query that is conducted for the specified date of the request.*

*The total number of alerts generated on ALPR systems operated by law enforcement officers in the State by a match between an ALPR reading and a plate number on an alert database and the number of these alerts that resulted in an enforcement action.*

*The total number of criminal, missing person, and commercial motor vehicle investigations and enforcement actions to which active data contributed, and a summary of the nature of these investigations and enforcement actions.*

*The total annualized fixed and variable costs associated with all ALPR systems used by Vermont Law enforcement agencies and an estimate of the total of such costs per unit.*

**NOTE:** Information in columns "LE Action Taken", "Criminal, Missing People, Comm. motor vehicle", "Summary of action taken", and "Costs" was provided by the Law Enforcement Agency. Agencies highlighted in red no longer use ALPR unit(s).

| Agency | Alerts | LE Action Taken | Criminal, Missing people, Comm. motor vehicle | Summary of action taken | 2017 Costs |
|---|---|---|---|---|---|
| Vermont State Police* | 16,219 | 67 | Operating with criminally suspended license | 34 – Warnings<br>22 – VCVC's<br>11 - Arrests | $6,840 ALPR transfers and installations. $15,200 server/storage annual costs |
| Bennington PD (no response) | 1,871 | | | | |
| Bennington CSD (no response) | 900 | | | | |
| Brandon PD (no response) | 1,634 | | | | |
| Burlington PD (no response) | 8,045 | | | | |

*Due to limitations of the Vermont State Police records management system (Spillman) to collect data and match related to enforcement actions generated by ALPR alerts, the number of alerts which may have resulted in an enforcement action reported by the Vermont State Police is likely to be underreported.

**DMV's ALPR system is still in a test phase and have no data to report. During their testing, they are not retaining any historical plate reads.

| Agency | Alerts | LE Action Taken | Crime | Summary of action taken | 2017 Costs |
|---|---|---|---|---|---|
| Chittenden CSD | 17,075 | 668 | 5 - Stolen Vehicle<br>1 - False info to a LEO<br>3 – Possession of Narcotics<br>3 – Arrest Warrants<br>1 -Reckless Endangerment<br>2 – Violation of Conditions of Release<br>1 – Fugitive<br>64 – Operating with criminally suspended license | 546 – VCVCs or Warnings<br>80 - Arrests | |
| Colchester PD | 10,513 | 2 | No information provided | | Unable to provide a dollar figure |
| Essex PD | 4,279 | 31 | 15 – no registration<br>8 – Proof of insurance<br>1 – required to update name with DMV<br>1 - Speeding Violation<br>4 – Operating with a civilly suspended license<br>2 – Operating with criminally suspended license | 14 - VCVCs<br>15 - warnings<br>2 - arrests | |
| Essex CSD (no response) | 847 | | | | |
| Franklin CSD | 2,812 | 45 | Driving under the influence<br>Operating with a civilly suspended license<br>Domestic Disturbance | 14 incidents – summary of action taken not provided | |
| Hinesburg PD | 4,984 | 14 | 0 – Missing persons<br>0 – Commercial motor vehicle investigations<br>0 – Operating with criminal suspended license | | $0 |

| Agency | Alerts | LE Action Taken | Crime | Summary of action taken | 2017 Costs |
|---|---|---|---|---|---|
| Lamoille CSD | 1,932 | 66 | | 65 – VCVCs issued<br>1 – Driving with criminal suspended license | $0 |
| Milton PD | 19,881 | 168 | 0 – Missing persons<br>0 – commercial motor vehicle investigations<br>No # provided - Driving with criminally suspended license (DLS) | DLS – the LPR alert was documented in every affidavit and the hit was accurate. | $500 |
| Northfield PD (no response) | 1,325 | | | | |
| Orange CSD (no response) | 1,904 | | | | |
| Orleans CSD (no response) | 40 | | | | |
| Rutland City PD (no response) | 1 | | | | |
| Rutland CSD (no response) | 2,441 | | | | |
| Rutland Town PD (no response) | 442 | | | | |
| South Burlington PD (no response) | 7,938 | | | | |
| Shelburne PD | 12,425 | 38 | 17- Operating with suspended license<br>7 – Operating with criminally suspended license<br>4 – Violation of conditions of release<br>1 – Possession of Narcotics | 25 -VCVCs issued<br>14 – Warnings<br>8 - Arrests | |
| Springfield PD | 1,548 | 4 | 1 – DUI | 3 – VCVCs<br>1 – Arrest | $1,100 |

| Agency | Alerts | LE Action Taken | Crime | Summary of action taken | 2017 Costs |
|---|---|---|---|---|---|
| St. Albans PD | 2,423 | 19 | | These actions were mostly traffic enforcement related consisting of suspended license and moving violations. 2 of these actions resulted in a person being arrested on an arrest warrant. | $6,930 |
| Stowe PD (no response) | 1,334 | | | | |
| Swanton PD (no response) | 2,536 | | | | |
| Vergennes PD (no response) | 2,209 | | | | |
| Waterbury PD (no response) | 387 | | | | |
| Williston PD (no response) | 19,540 | | | | |
| Wilmington PD (no response) | 1 | | | | |
| Windsor County SD | 2,312 | | | Unable to provide data | $0 |
| Winhall PD (no response) | 1,798 | | | | |
| Winooski PD | 11,754 | | | Not aware of any cases that the ALPR assisted in the case outcome | $590 |

***The total number of criminal, missing person, and commercial motor vehicle investigations and enforcement actions to which historical data contributed, and a summary of the nature of these investigations and enforcement actions.***

In 2017 there were **seven (7)** out of 41 releases of historical data which positively contributed to an investigation:

**Drug Investigation** - The information received from the ALPR database gave valuable intelligence towards an investigation in a drug sales case.  The suspect was eventually arrested and charged with numerous felony drug violations.

**Fraud Investigation** - ALPR information identified the suspect's possible residence location which was not known to law enforcement. Authorities in numerous states had been trying to locate this subject for years. "The ALPR data was invaluable in locating a subject whose whereabouts had been unknown for several years and who had taken measures to try and prevent his address from being readily found".

**Illegal Border Crossing** – A vehicle entered the United States by illegally driving around the port of entry and its registration was documented at the border. ALPR data showed the same vehicle was encountered by Swanton PD shortly after. The operator was later located in Burlington, VT, interviewed and admitting to illegally entering the United States.
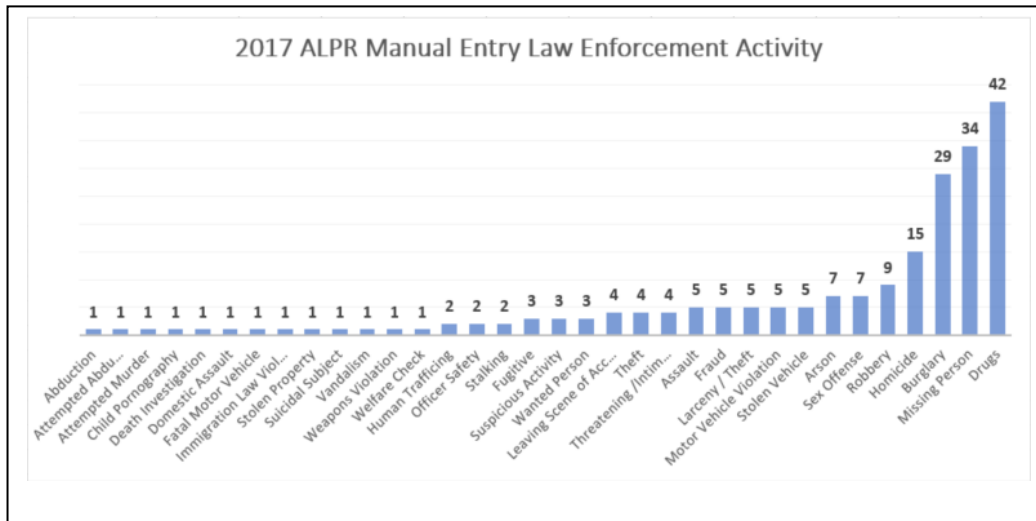
**Drug Investigation** - The information was helpful showing where a suspected drug dealer's vehicle was parked in the evening.

**Burglary Investigation** – After receiving ALPR data, officers responded to the area of the result and located the vehicle and arrested the operator for burglary.

**Burglary Investigation** – ALPR results assisted in locating and subsequently arresting a person who had an active arrest warrant for multiple felony burglary charges.

**Armed Robbery with a Firearm** – ALPR results indicated that a suspect's vehicle was near the location of an armed robbery. That person was later arrested and charged for armed robbery.  The ALPR data is considered important evidence in the case.

## *INQUIRY/ENTRY REASON*



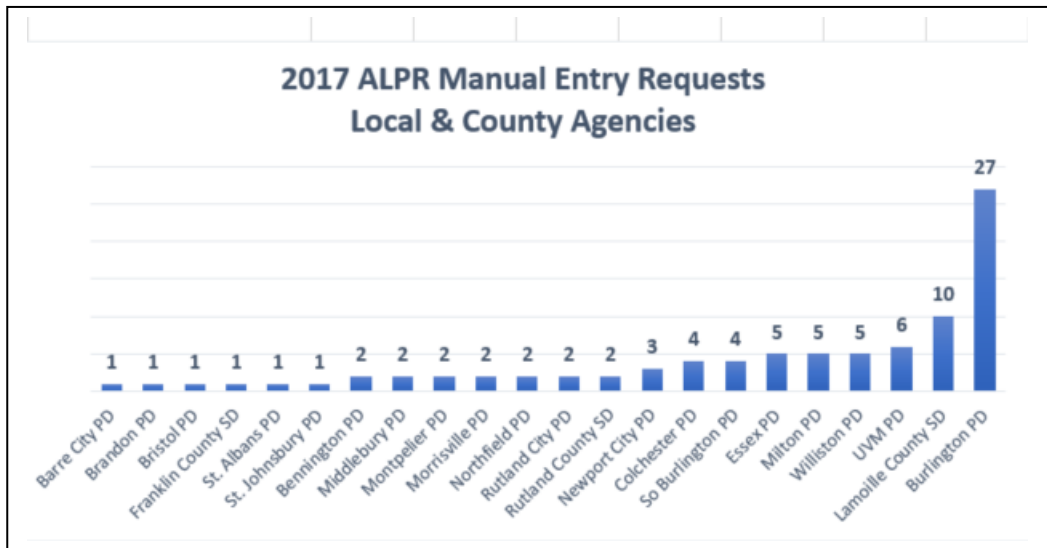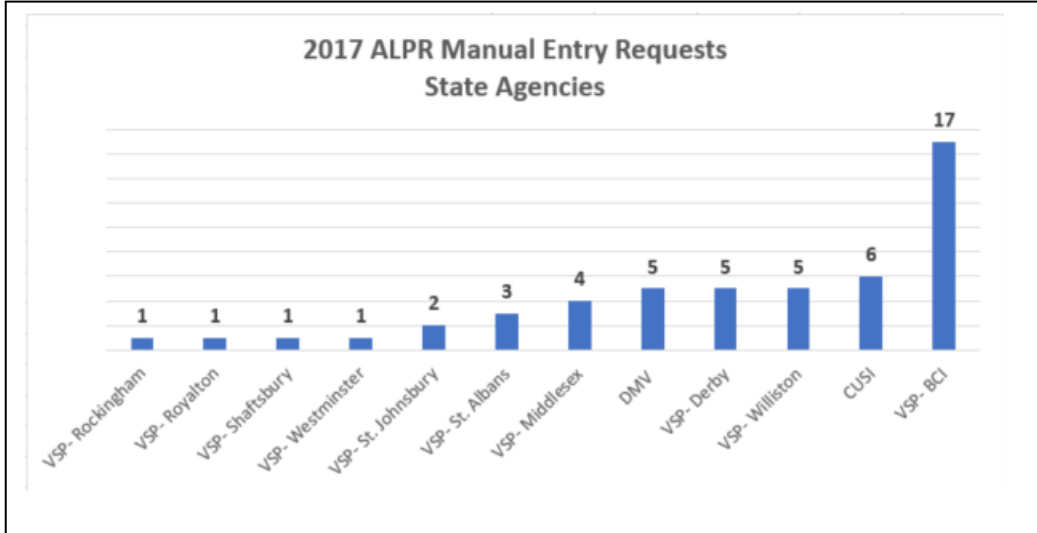2017 ALPR Manual Entry Law Enforcement Activity

Requests for manual ALPR entries are numerous to include; narcotics, missing person burglary, homicide and robbery investigations.

Inquiries to the ALPR system will generate results, either positive (the license plate has been read) or negative (the license plate has not been read). Information is only released to an agency when there are "positive reads" that are relevant to their case or that there were "No Reads" found. **If the information returned is not relevant to the case and is not in the specified timeframe of the request, the information is not released to the requesting agency.**
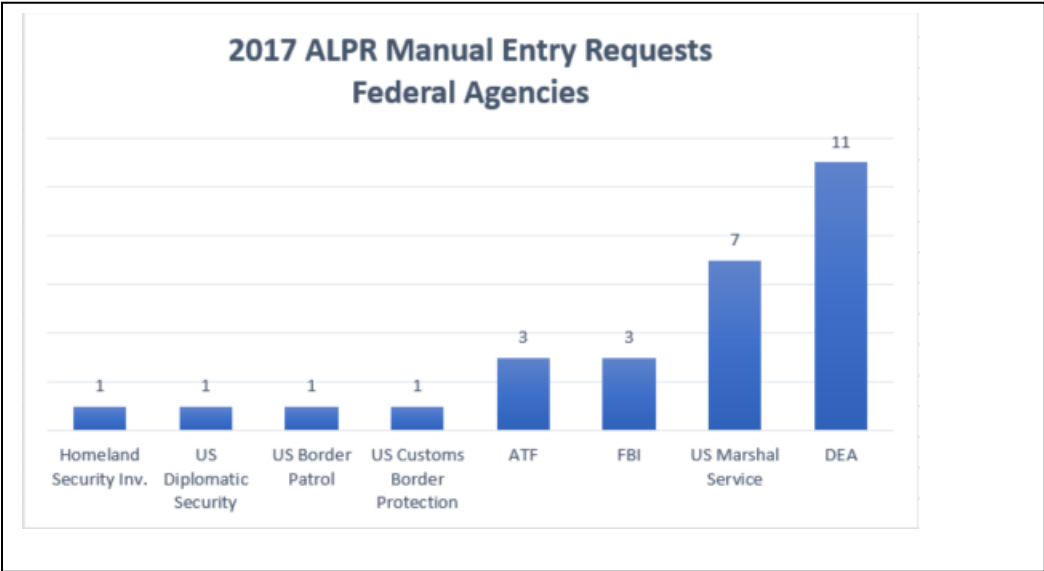
For example, an officer may be looking for a specific plate during a certain time period. The date parameters are set within the ALPR system and any "positive" reads, the information will be sent to the requesting officer. This information includes the date, time and the location where the vehicle was recorded by GPS coordinates. A picture of the plate from the front, back of the vehicle will also be sent if available.

## *REQUESTS BY AGENCY*

The ALPR requests have been broken down by State, Local, County and Federal Agencies that have submitted a request to the VIC for manual entry. Prior to any action by the VIC, a mandatory ALPR form is required to be submitted by the investigating officer with a supervisor's approval. The VIC will complete requests from BOL's (Be on the Lookout) from nearby states involving serious offenses and the mandatory ALPR form will be completed by an analyst at the VIC, for each action.

**2017 ALPR Manual Entry Requests**
**Federal Agencies**

*Total Number of Out-of-State Manual Entry Requests*



**2017 ALPR Manual Entry Requests**
**Out of State Agencies**