



**2021 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 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.

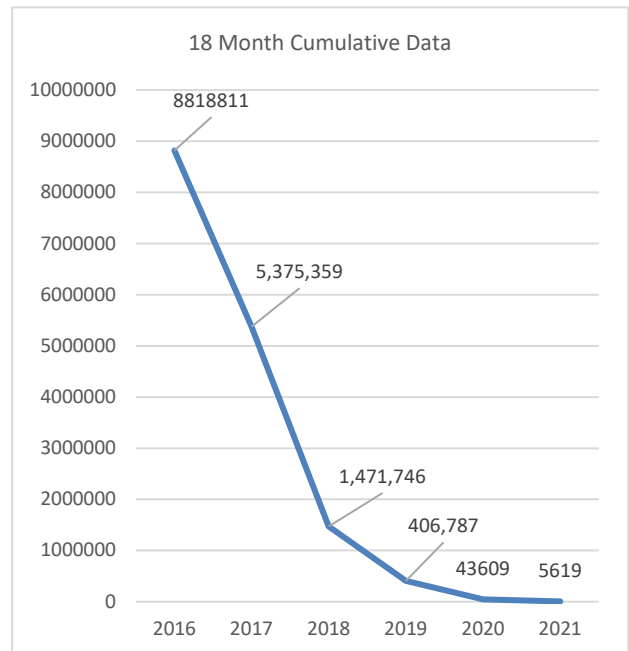
On May 25, 2018, Governor Phil Scott signed Act 175 *An act related to automated license plate recognition systems*. This Act 175 contains four sections amending Title 23 Vermont Statutes Annotated, sections 1607 (Automated License Plate Recognition Systems) and 1608 (Preservation of Data). The sections are: Section 1 - Extension of sunset to July, 1, 2020; Section 2 – Auditor examination of compliance; Section 3 – additional language to 23 V.S.A. § 1607(e) Oversight; rulemaking; and Section 4 – take effect on passage.

There was one ALPR unit deployed and recording data to the statewide ALPR database in Vermont during the 2021 reporting period. This unit is operated by Essex County Sheriff's Department. The Department of Motor Vehicles no longer utilizes ALPRs and their systems did not record data to the statewide database.

The continued decline in the operation of mobile ALPR units in Vermont has led to a significant decrease in ALPR reads and cumulative data. The 2021 reporting period contained the lowest number of ALPR reads and the 18-month data cumulative totals were down 99.9% since 2016 when Act S.155 was passed.

NOTE: The 18-month total for 2021 is from 7/23/20 through December 31, 2021. Data from 7/1/20 through 7/23/21 had been deleted per state statute prior to the submission of this report.

NOTE: Number of reads reported were for an 18-month period, i.e., those reported for 2019 included July 1, 2018 – December 31, 2019.



SUMMARY OF REPORT

This 2021 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 contains the following information based on prior calendar year (2021) data:

(A) the total number of ALPR units being operated by government agencies in the State, the number of such units that are stationary, 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.

Vermont Statutes pertaining to the creation of this report

Title 23: Motor Vehicles

Chapter 015: Powers of Enforcement Officers

(Cite as: 23 V.S.A. § 1607)

[Section 1607 repealed effective July 1, 2022.]

§ 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 by government agencies in the State, the number of such units that are stationary, 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; 2017, No. 175 (Adj. Sess.), § 3, eff. May 25, 2018; repealed on July 1, 2022 by 2019, No. 134 (Adj. Sess.), § 3 and 2019, No. 149 (Adj. Sess.), § 41, eff. Jul. 13, 2020.)

§ 1608. Preservation of data [Section 1608 repealed effective July 1, 2022.]

(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; repealed on July 1, 2022 by 2019, No. 134 (Adj. Sess.), § 3 and 2019, No. 149 (Adj. Sess.), § 41, eff. Jul. 13, 2020.)

No. 175. An act relating to automated license plate recognition systems. (S.150)

Sec. 1. EXTENSION OF SUNSET

Subsection (b) of 2013 Acts and Resolves No. 69, Sec. 3, as amended by 2015 Acts and Resolves No. 32, Sec. 1, as further amended by 2016 Acts and Resolves No. 169, Sec. 6, is further amended to read:

(b) Secs. 1–2 of this act, 23 V.S.A. §§ 1607 and 1608, shall be repealed on July 1, ~~2018~~ 2020.

Sec. 2. AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS; AUDITOR EXAMINATION OF COMPLIANCE

(a) On or before January 15, 2019, with respect to data collected by Automated License Plate Recognition (ALPR) systems, the Auditor of Accounts (Auditor) shall:

(1) examine requests for “historical data” as defined in 23 V.S.A. § 1607 that resulted in a release of historical data to the requester from July 1, 2016 through June 30, 2018 by the Vermont Intelligence Center (VIC), and shall examine such additional records as may be required, to enable the Auditor to determine whether the request and the release complied with requirements of 23 V.S.A. § 1607(c)(2); and

(2) submit a written report to the House and Senate Committees on Judiciary and on Transportation summarizing the findings of the examination required under this subsection.

(b) Notwithstanding any exemption under the Public Records Act (PRA) or other provision of State law to the contrary, a public agency shall release to the Auditor records that the Auditor may need in order to conduct the examination required under subsection (a) of this section. After receiving any record that is exempt from public inspection and copying under the PRA, the Auditor shall have the authority and the obligation to assert the PRA exemption if the Auditor receives a request to inspect or copy the record.

Sec. 3. 23 V.S.A. § 1607(e) is amended to read:

(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 by government agencies in the State, the number of such units that are stationary, and the number of units submitting data to the statewide ALPR database;

Sec. 4. EFFECTIVE DATE This act shall take effect on passage. Date Governor signed bill: May 25, 2018

(A) The total number of ALPR units being operated by government agencies in the State, the number of such units that are stationary, and the number of units submitting data to the statewide ALPR database

During the 2021 reporting period, there was one mobile ALPR unit operating in Vermont and no stationary ALPR units in use. The single mobile ALPR unit is operated by a law enforcement agency and submitted 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

| Agency | January 1, 2021 – December 31, 2021 |
|--------------|-------------------------------------|
| Essex CSD | 2,959 |
| Total | 2,959 |

The number of ALPR readings submitted to the ALPR database: **2,959**

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

| Agency | July 1, 2020- December 31, 2020 | January 1, 2021- December 31, 2021 | Total |
|--------------------|---------------------------------|------------------------------------|--------------|
| Essex CSD | 2,659 | 2,959 | 5,618 |
| Grand Total | 2,659 | 2,959 | 5,618 |

The 18-month cumulative number of ALPR readings housed on the statewide ALPR database as of the end of the calendar year: **5,618** *NOTE: the 18 month total for 2021 is from 7/23/20 through December 31, 2021. Data from 7/1/20 through 7/23/20 had been deleted per state statute prior to the submission of this report.*

(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

| | |
|--|-----|
| Total number of requests received 2021 | 0 |
| Average age of data requested | n/a |
| Information Released | 0 |
| Historical Query | 0 |
| Registration Entry | 0 |
| General Query | 0 |

If the information returned is not relevant to the case it is not released to the requesting agency.

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: A manually conducted entry of a vehicle registration during an active investigation in which waiting for the NCIC Hotlist to upload would jeopardize the case or there are safety concerns for either the occupant(s) of the vehicle or to the general public.

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

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

(E) The total number of out-of-state (OOS) 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;

| | |
|--|-----|
| Total number of OOS requests received 2019 | 0 |
| Average of age data requested | n/a |
| Information Released | 0 |
| Historical Query | 0 |
| Registration Entry | 0 |
| General Query | 0 |

(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

| Agency | Alerts | LE Action Taken |
|--------------|-----------|-----------------|
| Essex CSD | 16 | 0 |
| Total | 16 | 0 |

** The VT Dept of Motor Vehicles does not retain alerts or reads for the year and therefore does not have a total number of reads. DMV did report three alerts which resulted commercial motor vehicle enforcement.*

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 was **16**. The number of these alerts that resulted in an enforcement action was **0**.

(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;

| Agency | LE Action Taken | Criminal, Missing people, Comm. motor vehicle | Summary of action taken |
|---------------|-----------------|---|-------------------------|
| Essex CSD | 0 | Civil and criminal violations (Motor vehicle) | n/a |
| Totals | 0 | | |

NOTE: Data shown in 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).

The total number of criminal, missing person, and commercial motor vehicle investigations and enforcement actions was 0.

(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;

In 2021, there were no releases of historical data that contributed to an investigation.

(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.

| Agency | Costs |
|----------------------------|----------------|
| Essex CSD | \$0 |
| Vermont State Police (DPS) | \$7,700 |
| Totals | \$7,700 |

Agencies highlighted in red no longer use ALPR unit(s).

The DPS \$7,700 cost in 2021 is for the ALPR application server and its dedicated SQL server and maintains records for the single mobile ALPR unit.

**No. 175. An act relating to automated license plate recognition systems. (S.150)
Sec. 2. AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS; AUDITOR EXAMINATION OF COMPLIANCE**

(a) On or before January 15, 2019, with respect to data collected by Automated License Plate Recognition (ALPR) systems, the Auditor of Accounts (Auditor) shall:

(1) examine requests for “historical data” as defined in 23 V.S.A. § 1607 that resulted in a release of historical data to the requester from July 1, 2016 through June 30, 2018 by the Vermont Intelligence Center (VIC), and shall examine such additional records as may be required, to enable the Auditor to determine whether the request and the release complied with requirements of 23 V.S.A. § 1607(c)(2); and

(2) submit a written report to the House and Senate Committees on Judiciary and on Transportation summarizing the findings of the examination required under this subsection.

(b) Notwithstanding any exemption under the Public Records Act (PRA) or other provision of State law to the contrary, a public agency shall release to the Auditor records that the Auditor may need in order to conduct the examination required under subsection (a) of this section. After receiving any record that is exempt from public inspection and copying under the PRA, the Auditor shall have the authority and the obligation to assert the PRA exemption if the Auditor receives a request to inspect or copy the record.

In accordance with No 175 (S. 150), Sec 2, the Vermont Intelligence Center was audited by the Auditor of Accounts in 2018. The Auditor’s finding can be veiwed [here](#).
