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**2015 Annual Report to the  
Vermont Senate and  
House Committees on  
Judiciary and  
Transportation as  
required by:  
23 V.S.A. §  
1607AUTOMATED  
LICENSE PLATE  
RECOGNITION SYSTEMS**

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**Vermont Department  
of Public Safety,  
Division of State Police**

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Submitted by:  
Lt. Kevin Lane  
*Director – Vermont Intelligence Center*

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## ***EXECUTIVE SUMMARY***

The current law Title 23 § 1607 (Automated License Plate Recognition Systems) and Title 23 § 1608 (Preservation of Data) was originally signed into law by Governor Peter Shumlin at the close of the 2013 session. Title 23 § 1607 and 1608 will sunset and be repealed effective July 1, 2016.

The Vermont Department of Public Safety – Division of State Police was called to testify in front of legislative committees during the 2015 legislative session and during a special hearing while the legislature was out of session, in reference to S.18 (An act related to privacy protection).

The proposal S.18 was sponsored by Senator Ashe of Chittenden County and Senator Joe Benning of Caledonia County. In this proposal one area it addressed was the use of Automated License Plate Recognition (ALPR) systems in the state of Vermont. The retention period that data is collected and stored by the ALPR system has been a main focal point of discussion.

The Vermont Intelligence Center conducted an in-depth review of the Vermont ALPR request forms. The results showed the average historical query in 2014 was 79.7 days and in 2015 it was 58.7 days. This reflects the average retention period or the average number of days needed to fulfill the request from law enforcement. This does not reflect the number of days actually queried in the database. An example of this retention period average would be; a law enforcement officer makes a request for ALPR information on 02-01-15 but asks the query to start on 01-01-15 for a 3 day period. The retention period described would be 31 days.

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

*[Section 1607 repealed effective July 1, 2016.]*

*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 having satisfactorily completed the approved training programs required to meet the minimum training standards applicable to that person 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, traffic violation, or parking violation or operation of AMBER alerts or missing or endangered person searches.*

*(6) "Vermont Information and Analysis Center Analyst" means any sworn or civilian employee who through his or her employment with the Vermont Information and Analysis Center (VTIAC) 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 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 and access to active data are restricted to legitimate law enforcement purposes.*

*(B) Active ALPR 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 review active data shall be in writing and include the name of the requester, the law enforcement agency the requester is employed by, and the law enforcement agency's Originating Agency Identifier (ORI) number. The request shall describe the legitimate law enforcement purpose. The written request and the outcome of the request shall be transmitted to VTIAC and retained by VTIAC 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 VTIAC analyst shall transmit historical data only to a Vermont or out-of-state law enforcement officer who has a legitimate law enforcement purpose for the data. A law enforcement officer 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, whether from Vermont or out-of-state law enforcement officers, shall be made in writing to an analyst at VTAC. The request shall include the name of the requester, the law enforcement agency the requester is employed by, and the law enforcement agency's ORI number. The request shall describe the legitimate law enforcement purpose. VTAC 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. VTAC shall retain the information described in this subdivision (c)(2)(B) for no fewer than three years.*

*(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 section 1608 of this title, information gathered 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 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 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 total number of ALPR readings each agency submitted to the statewide ALPR database;*

*(C) the 18-month cumulative number of ALPR readings being housed on the statewide ALPR database;*

*(D) the total number of requests made to VTAC for ALPR data;*

*(E) the total number of requests that resulted in release of information from the statewide ALPR database;*

*(F) the total number of out-of-state requests; and*

*(G) the total number of out-of-state requests that resulted in release of information from the statewide ALPR database.*

*(2) The Department of Public Safety may adopt rules to implement this section. (Added 2013, No. 69, § 1.)*

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

There are currently 67 ALPR units being operated by state, county and municipal law enforcement agencies in Vermont.

**Total number of ALPR readings each agency submitted to the statewide ALPR database and the 18-month cumulative number of ALPR readings being housed on the statewide ALPR database.**

**ALPR Readings by Agency**

**July 1, 2014 – December 31, 2015**

Vermont State Police	1,153,246	Milton PD	156,004
Barre PD	55,029	Newport PD	59,944
Bennington CSD	88,383	Northfield PD	60,197
Bennington PD	182,925	Orange CSD	141,411
Brandon PD	105,976	Orleans CSD	30,795
Brattleboro PD	115,438	Rutland City PD	308,125
Burlington PD	202,052	Rutland CSD	262,469
Castleton	44,637	Rutland Town PD	165,247
Chittenden CSD	1,008,357	Shelburne PD	329,382
Colchester PD	516,105	South Burlington PD	559,949
DMV	181,557	Springfield PD	84,653
Essex CSD	29,469	St. Albans PD	250,710
Essex PD	108,284	Stowe PD	156,441
Franklin CSD	83,449	Swanton PD	54,389
Grand Isle CSD	197,292	Vergennes PD	31,835
Hardwick PD	25,326	Waterbury PD	85,683
Hartford PD	415	Williston PD	1,035,331
Hinesburg PD	127,766	Wilmington PD	43,275
Lamoille CSD	63,067	Windsor CSD	47,658
Ludlow PD	12,552	Winhall PD	77,872
Manchester PD	56,124	Winooski PD	359,793

**TOTAL CUMULATIVE STATEWIDE READS – 8,658,612**

***The Total Number of Requests Made to the VIC***

VIC Entries	184
Field Entries	0

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**2015 ALPR Request**

The 184 requests made were performed by staff assigned to the Vermont Intelligence Center. Requests for manual entries were down from the previous year.

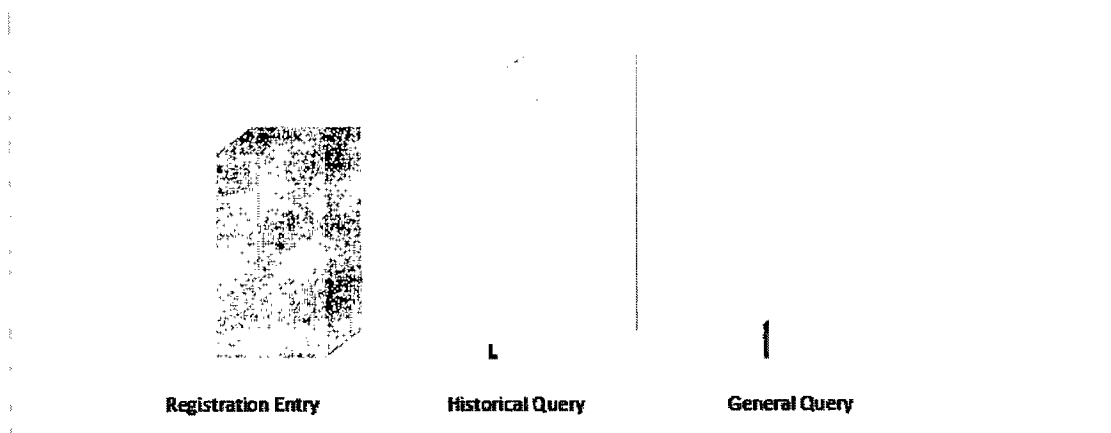
A manual entry is any entry that is initiated outside of the NCIC Hotlist. Manual entries are initiated for exigent situations where there are safety concerns for the individual or to the public.

Officers in the field have the ability to enter a plate and make inquiries into their vehicle's ALPR system; this entry/inquiry is for their agency vehicles only and is not queried against all ALPR data in the state.

## TYPE OF ALPR REQUESTS TO VIC

Historical Query	99
Registration Entry	73
General Query	12

### 2015 Requests Submitted to the VIC



\*Note – More than one activity may be performed per request received by the VIC. For example, when a “Registration Entry” is requested, a “General Query” is automatically conducted within the ALPR program. **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 30 days regardless of the outcome of the case.

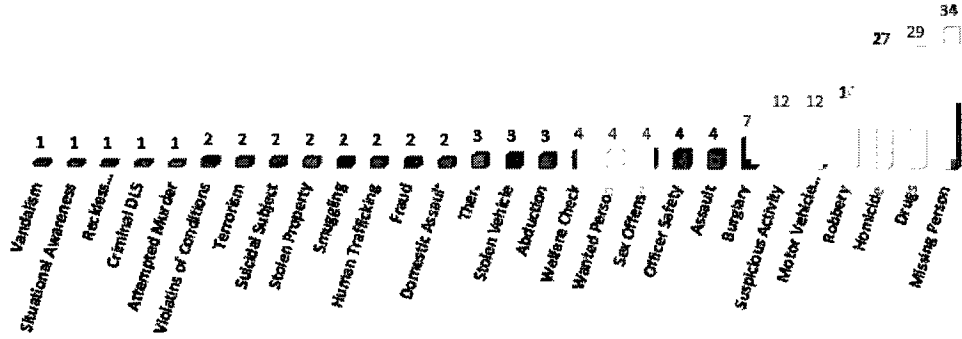
**Registration Entry:** An entry of a vehicle registration is manually conducted during an active investigation where waiting for the NCIC Hotlist to upload would jeopardize the case or there are safety concerns for either the occupant of the vehicle or to the general public.

**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.

# INQUIRY/ENTRY REASON

## 2105 ALPR Manual Entry Law Enforcement Activity



Requests for manual ALPR entries are numerous to include; missing person cases, narcotic cases, burglaries, wanted persons, robberies, etc.



***Total number of requests that resulted in release of information from the statewide ALPR database and the total number of out-of-state requests that resulted in release of information from the statewide ALPR database.***

In-state Release of Information – 31

Out-of-State Release of Information – 0

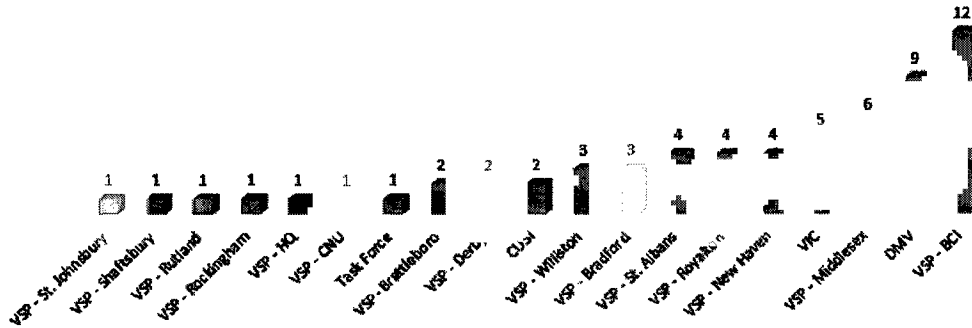
When inquiries are made the ALPR system will generate results, either positive (the license plate has been read) or negative (the license plate has not been read). Information is only released to an agency when there are “positive reads” that are relevant to their case or that there were “No Reads” found. **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

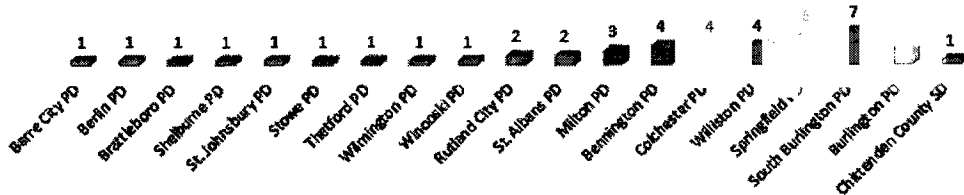
The ALPR requests have been broken down by State, Local, County and Federal Agencies that have submitted a request to the VIC for manual entry. Prior to any action by the VIC, a mandatory ALPR form is required to be submitted by the investigating officer with a supervisor's approval. The VIC will complete 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.

**2015 ALPR Manual Entry Requests by State Agencies**

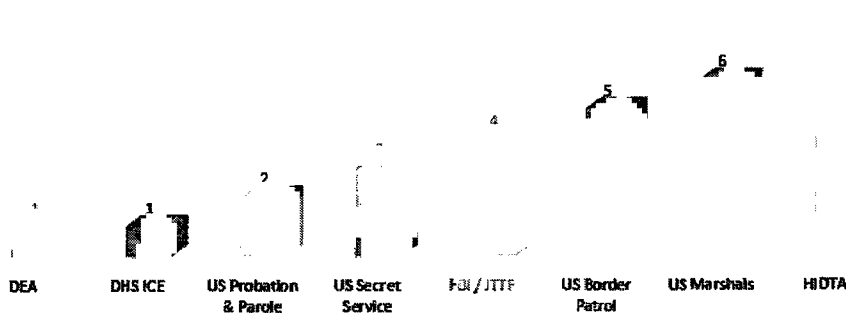


**2015 ALPR Manual Entry Requests by Local & County Agencies**

34



**2015 ALPR Manual Entry Requests by Federal Agencies**



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

### **2015 ALPR Manual Entry Requests by Out of State Agencies**

**Out of State - Local Police Agencies**

**Out of State - State Police Agencies**