

# **VTPrivateye, LLC**

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Sen Richard Mazza, Chair, Transportation Committee  
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Re: Private Investigator Access to Department of Motor Vehicles Database

Dear Senator Mazza,

I have been working as a licensed private investigator in the state of Vermont for over twenty years. I am also President of the Vermont Association of Investigators and Security Services, VAISS, which is Vermont's only private investigator organization, representing many private investigators throughout the state. I work for a wide range of attorneys on both civil and criminal cases, for the Defender General, for the CJA Panel [federal defense], for Vermont citizens, and for insurers. I am writing regarding the current restricted access to the Department of Motor Vehicles (DMV) records database.

Vermont citizens, attorneys, employers and insurers all hire private investigators to access DMV records to help them get critical information. We assist attorneys with all kinds of legal cases. PI's having access to DMV records is a critical access issue for Vermonters needing help navigating the justice system. We use the data in the DMV database for a wide range of issues, including, but not limited to: domestic violence cases, criminal defense, employment screening, personal injury claims, civil rights lawsuits, family court and child custody cases, and insurance fraud investigations. To name just a few examples:

- We use DMV records in domestic violence cases to determine whether an offender is stalking a victim by driving past their house. Domestic violence victims are given comfort by knowing what car the offender drives, so the offender can be identified.
- We obtain DMV records to assist with family court disputes. In a child custody case, the records may allow one parent to demonstrate that the other is associating with drug users/dealers by running license plate numbers and establishing that the cars parked at the parents' house belong to individuals with active drug distribution cases. This has been especially important with the ongoing opiate pandemic. The database may also help a lawyer determine whether the people driving children around have suspended licenses, or other driving infractions.

- We help employers by using the database to do background checks, and to assure that new employees in positions that involve driving have valid licenses and safe driving records. This is a public safety issue.
- On criminal cases, we use DMV records all the time to find elusive witnesses and locate important information about them. It is routine in a criminal case to investigate the associates of both the defendant and the witnesses by checking DMV records. Indeed, sometimes a DMV record check is the only way we can help a defendant locate an important witness.
- DMV records can assist in asset checks, when a judgment creditor or child support obligee needs to collect from someone who shows up as the owner of multiple vehicles or boats.
- We run a DMV check to potentially reveal important information in a case where an innocent person has been injured in a car accident. DMV records may show that there is another owner of the vehicle who may be liable for damages. Records may also show that the driver had a record of prior accidents. Recovery of this kind of information is paramount to the injured person's ability to collect compensation for their damages.
- We often are hired to assist insurance companies with fraud investigations. Given that Vermont is such a rural state, we often rely on license plate information to determine and confirm who an individual is and document their activities. This saves insurers thousands of dollars in fraudulent claims and helps prevent insurance rate increases for Vermonters.

Law enforcement agencies already have access to the information in the DMV database. As a result, public access to DMV through private investigators corrects a fundamental imbalance of power between Vermont citizens and law enforcement. When PI's no longer have access to DMV records, private citizens are denied access to the database, and become powerless relative to law enforcement and prosecutors. Vermonters need to be able to get the same information that law enforcement can, to defend themselves and/or access information as they seek justice in the courts.

As a matter of equal justice, fundamental fairness, and due process, it is vitally important that we continue to be afforded access to DMV information. I would be happy to discuss this matter further with you if you have questions about any of the above. Thank you for your attention to this matter.

Sincerely,



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