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**2016 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***

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. 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 which made considerable changes to the law.

Some of the more significant changes in the legislation include;

- Department of Public Safety (DPS) will complete a cost analyst of the entire ALPR system
- Department of Motor Vehicles (DMV) can set up and manage a separate ALPR system. That system will specifically address laws regulating commercial motor vehicle enforcement activates.
- **Retention** of the data remains at eighteen (18) months but a search warrant is needed for records beyond six (6) months.
- **Access** to the ALPR database is now open to any person with a “legitimate law enforcement purpose”.
- Expansion of the **reporting requirements** in the annual report for 2018 will pose a challenge to law enforcement agencies. Specifically, Section(e) Oversight; rulemaking. (1) (F-H).
  - It requires all alerts be tracked and then what number of those alerts resulted in an enforcement action. The current software tracks the alerts but there is no electronic mechanism for tracking enforcement actions. This will be thousands of alerts for one agency to report on.
  - Track all investigations and enforcement actions to which “active data” and “historical data” contributed, then provide a summary of each incident. This will be difficult for agencies to comply with because of the number of incidents and the lack of a tracking mechanism.

## ***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.

Subsection (e) effective until January 16, 2017; see also subsection (e) effective January 16, 2017 set out below.

(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.

Subsection (e) effective January 16, 2017; see also subsection (e) effective until January 16, 2017 set out above.

(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**

There are currently 69 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, 2015 – December 31, 2016**

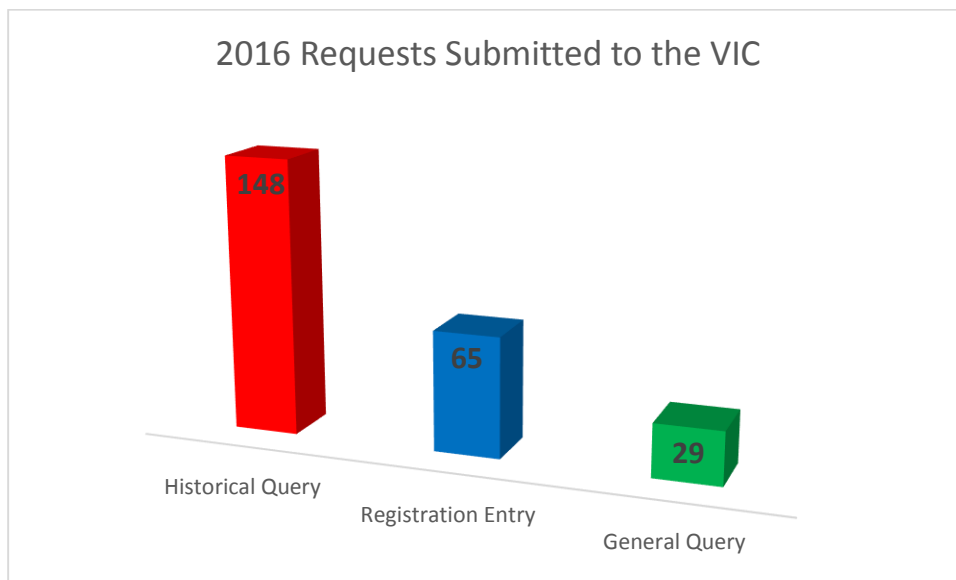
Agency	Reads	Agency	Reads
Vermont State Police	1,160,123	Milton PD	420,492
Barre PD	0	Newport PD	11,069
Bennington CSD	60,156	Northfield PD	77,985
Bennington PD	208,608	Orange CSD	99,426
Brandon PD	115,289	Orleans CSD	18,001
Brattleboro PD	59,003	Rutland City PD	146,202
Burlington PD	225,736	Rutland CSD	221,634
Castleton PD	20,198	Rutland Town PD	145,394
Chittenden CSD	1,045,726	Shelburne PD	643,166
Colchester PD	764,333	South Burlington PD	594,271
DMV	55,053	Springfield PD	42,830
Essex CSD	27,219	St. Albans PD	133,167
Essex PD	163,973	Stowe PD	106,354
Franklin CSD	89,088	Swanton PD	48,834
Grand Isle CSD	107,006	Vergennes PD	113,826
Hardwick PD	22,714	Waterbury PD	64,710
Hartford PD	0	Williston PD	1,256,417
Hinesburg PD	109,726	Wilmington PD	77
Lamoille CSD	9,103	Windsor CSD	117,585
Ludlow PD	0	Winhall PD	47,054
Manchester PD	8,977	Winooski PD	258,286

**Total Cumulative Statewide Reads – 8,818,811**

**Total Number of Requests Made to the VIC - 242**

**TYPE OF ALPR REQUESTS TO VIC**

Historical Query	148
Registration Entry	65
General Query	29



\*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 seven (7) days regardless of the outcome of the case.

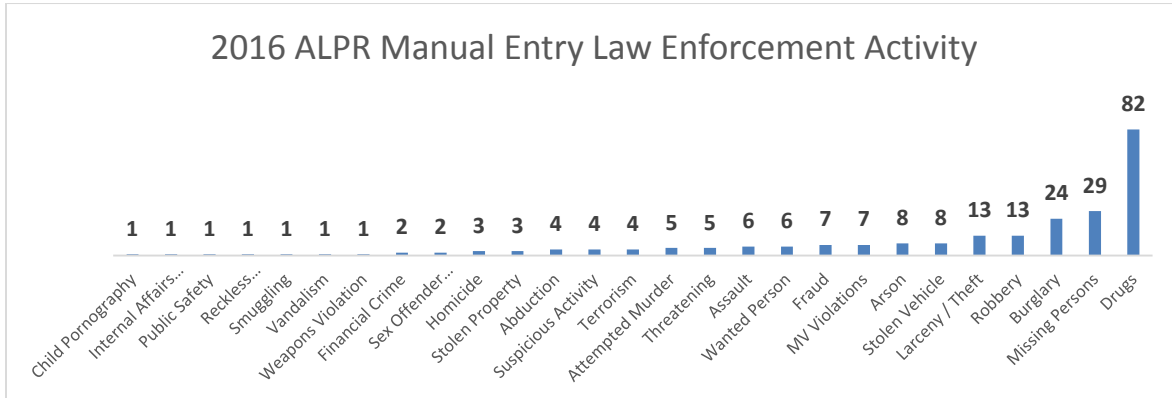
**Registration Entry:** An entry of a vehicle registration is manually conducted during an active investigation where waiting for the NCIC Hotlist to upload would jeopardize the case or there are safety concerns for either the occupant of the vehicle or to the general public.

**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.



## INQUIRY/ENTRY REASON



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 – 52

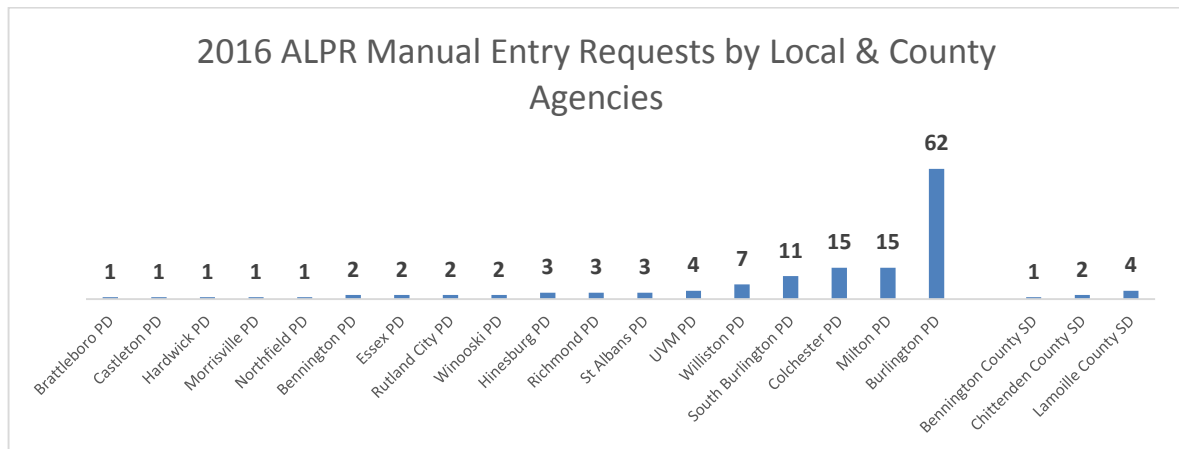
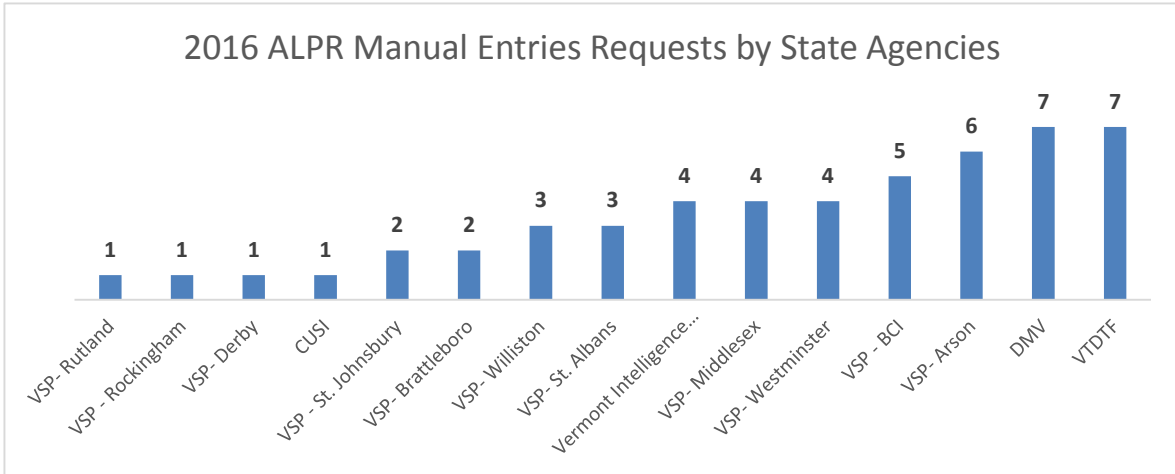
Out-of-State Release of Information (includes all federal agencies) – 7

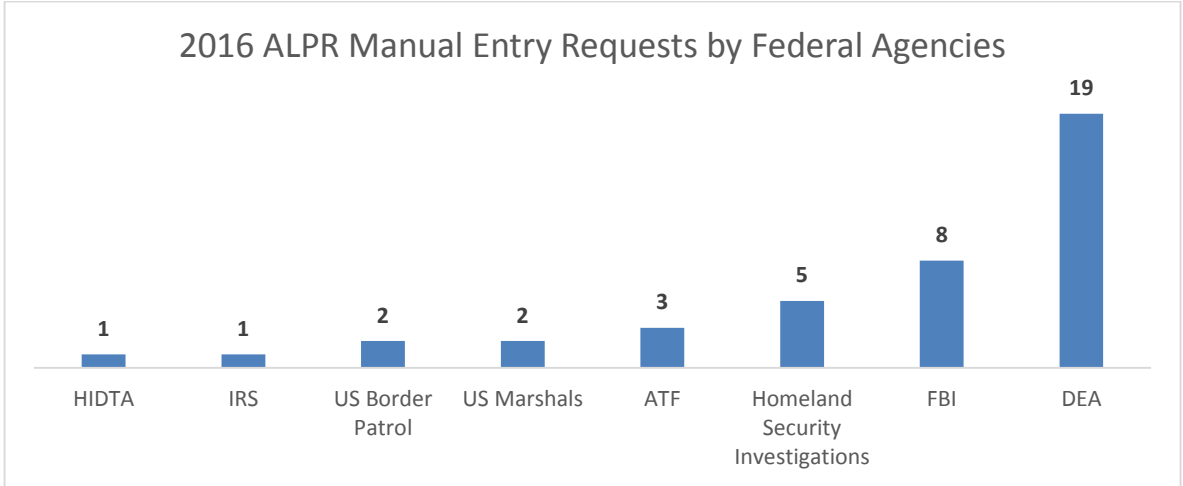
When inquiries are made the ALPR system will generate results, either positive (the license plate has been read) or negative (the license plate has not been read). Information is only released to an agency when there are “positive reads” that are relevant to their case or that there were “No Reads” found.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





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

