



**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**

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

Submitted by:
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This report was produced by Vermont Intelligence Center Analyst James Snyder. January 09, 2014

Executive Summary

The Vermont Department of Public Safety – Division of State Police was called to testify in front of several legislative committees during the 2013 legislative session in reference to S.18. S.18 proposed to put into law, issues related to the use of Automated License Plate Recognition (ALPR) systems in the state of Vermont. This bill included language that was worked on and agreed to by both the Vermont Department of Public Safety (DPS) and the ACLU as well as other interested parties. The language sets forth regulations pertaining to the use of ALPR by law enforcement, the retention of ALPR data as well as access to collected ALPR data.

This bill was originally sponsored by Senator Ashe of Chittenden County at the request of the Vermont ACLU. Previous to this bill being introduced, DPS had written a Statewide Guideline for ALPR systems in Vermont. This guideline attempted to do what this bill proposes in that it regulated use of, access to and storage of ALPR data. Retention rates for historical data were longer in the state guideline than were originally proposed in this bill however, as a result of compromise by both DPS and the ACLU retention rates were settled upon in a manner that both parties could “live with”. By signing this bill into law it puts teeth into what the DPS State Guidelines were attempting to accomplish, that being training, access and storage guidelines.

In the truest sense of compromise and concession the ACLU and DPS worked together and S.18 was adopted and Title 23 § 1607 was signed into law by Governor Peter Shumlin at the close of the 2013 session. Title 23 § 1607 has been looked at as model legislation by many states and municipalities across the country.

On January 01, 2014 the Vermont Information and Analysis Center’s name was changed to the Vermont Intelligence Center (VIC). For the purposes of this report we shall refer to the VIC throughout this document.

Vermont Statute pertaining to the creation of this report

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 VTAC and retained by VTAC 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 VTAC 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 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.

(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.

Sec. 2. 23 V.S.A. § 1608 is added to read:

§ 1608. PRESERVATION OF DATA

(a) Preservation request.

(1) A law enforcement agency or the Department of Motor Vehicles 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. 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.

Sec. 3. EFFECTIVE DATE AND SUNSET

(a) This act shall take effect on July 1, 2013.

(b) Secs. 1–2 of this act, 23 V.S.A. §§ 1607 and 1608, shall be repealed on July 1, 2015.

Date the Governor signed the bill: June 4, 2013

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 61 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, 2012 – December 31, 2013**

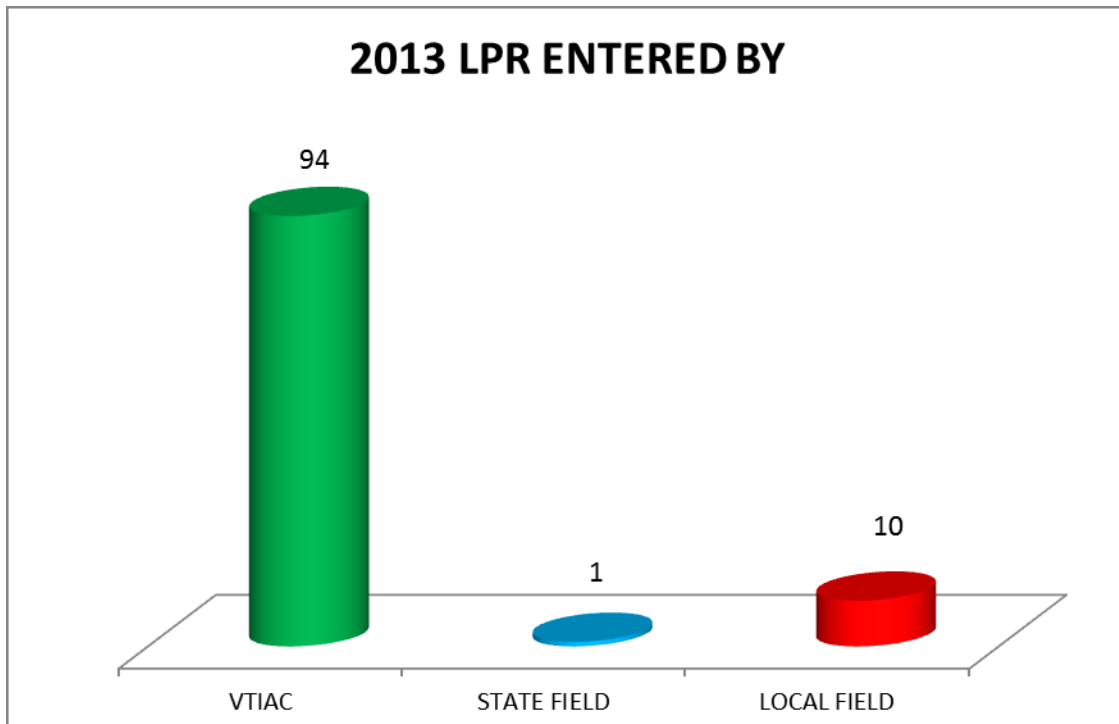
Agency	Reads	Agency	Reads
VSP	1,335,027	Hardwick PD	138,584
Barre PD	12,958	Hartford PD	110,029
Bennington Cty	137,514	Lamoille Cty	55,648
Bennington PD	166,639	Ludlow PD	4,449
Brandon PD	42,443	Manchester PD	74,794
Brattlboro PD	36,947	Milton PD	174,611
Burlington PD	522,446	Newport PD	343,065
Castleton PD	2,765	Northfield PD	184,493
Chittenden Cty	220,284	Orange Cty	94,149
Colchester PD	174,708	Orleans Cty	7,048
DMV	71,546	Rutland PD	539,680
Essex Cty	21,891	Rutland Cty	173,564
Essex PD	12,2471	Saint Albans PD	413,092
Franklin Cty	87,468	Shelburne PD	166,421
Grand Isle Cty	383,915	South Burlington PD	400,981
Springfield PD	130,803	Williston PD	759,632
Stowe PD	90,909	Wilmington PD	121,974
Swanton PD	14,456	Windsor Cty	239,295
Vergennes PD	109,834	Winhall PD	31,950
Waterbury PD	13,348	Winooski PD	182,805

TOTAL STATE-WIDE READS - **7,921,182**

The total number of requests for information made to VIC for ALPR data.

VIC Entries 94

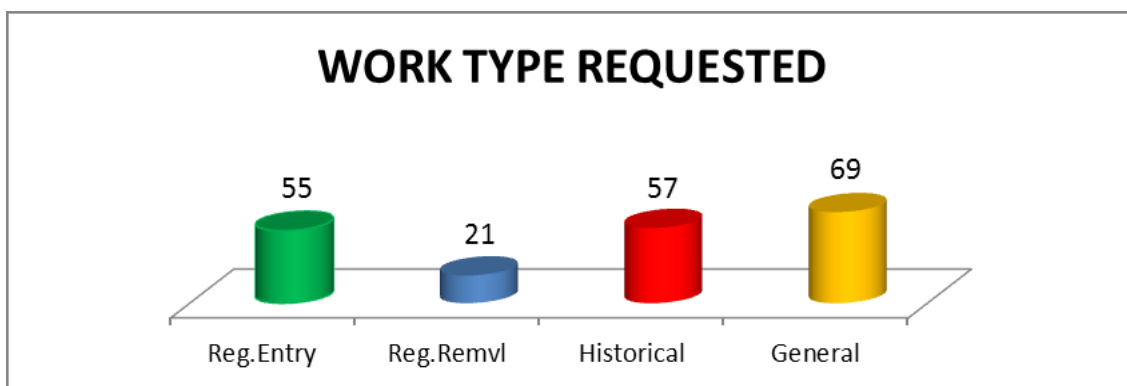
Field Entries 11 (VSP -1 / Local 10)



The 105 requests made were generally performed by the Analysts and Troopers assigned to the VIC (94). Officers in the field can enter a plate or make an inquiry into their vehicle's ALPR. This entry/inquiry is for their vehicle only and does not go statewide.

TYPE OF REQUESTS TO VIC

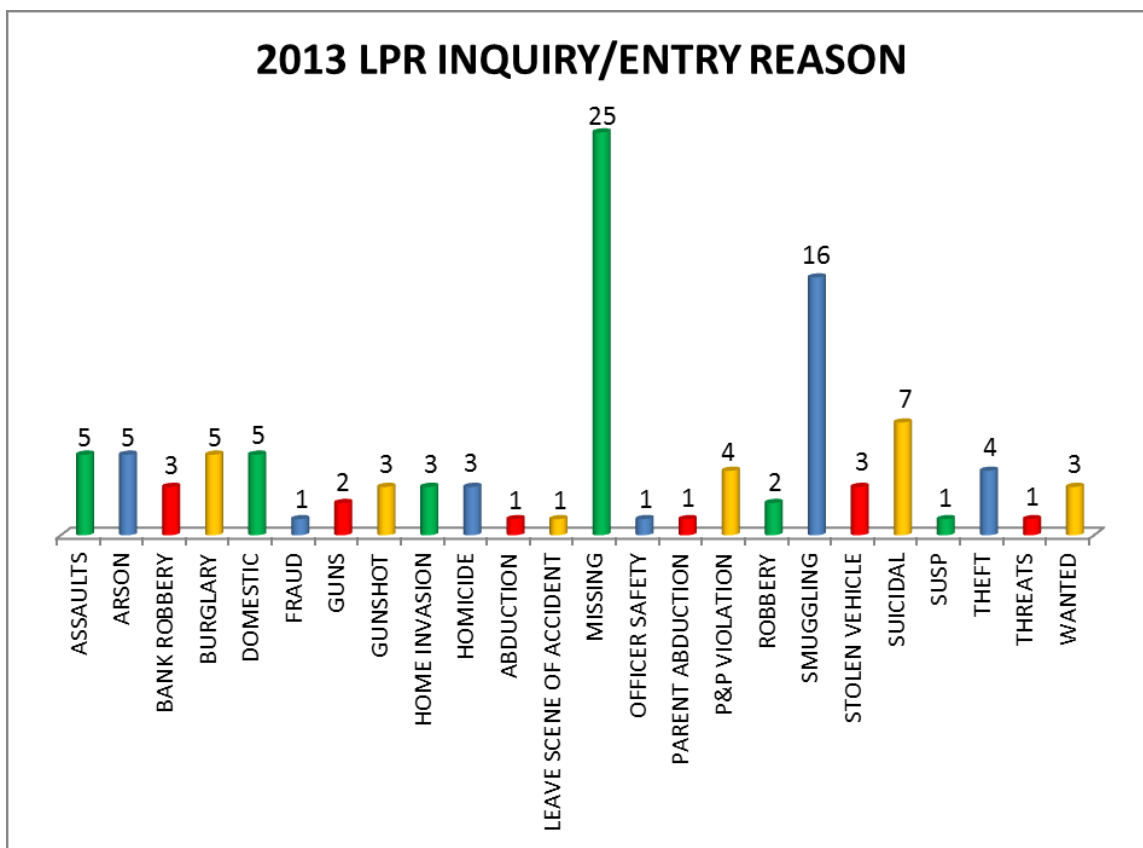
Registration Entry	55
Registration Removal	21
Historical Query	57
General Query	69



*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 done by the ALPR program.

“Registration Removals” are typically done when the case is no longer active. These may not have been noted on the request sheet, which is why that number may appear to be low. Any “Registration Entry” requests completed by the VIC is automatically removed by the ALPR system after 30 days.

INQUIRY/ENTRY REASON



The requests for LPR activities are for numerous reasons, to include; “Missing - Suicidal Individuals”, “Drugs”, “Human and Money Smuggling”, “Burglary”, “Assault”, “Arson” and “Bank Robbery”.

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 – 37

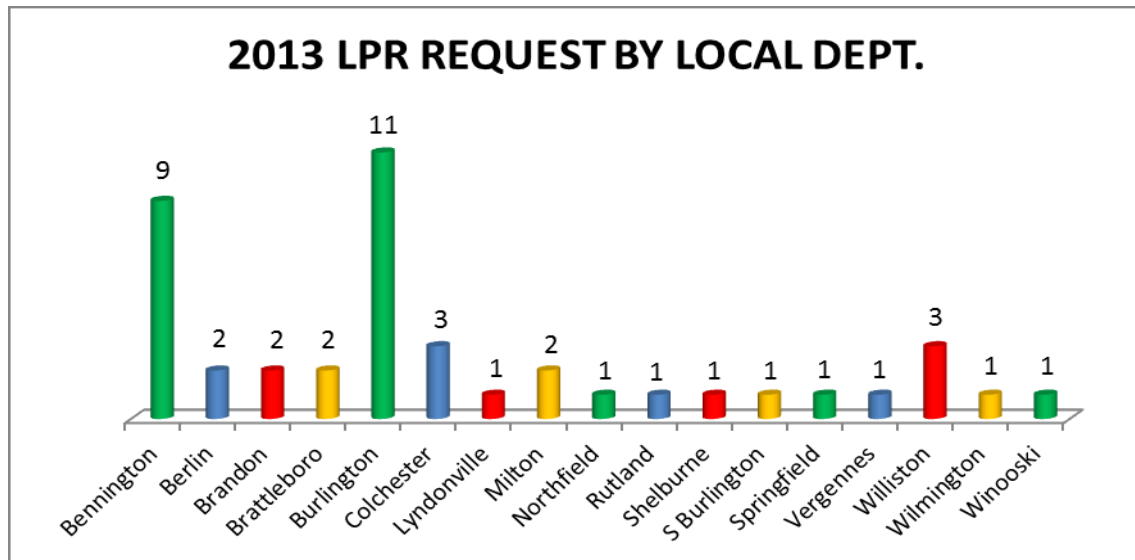
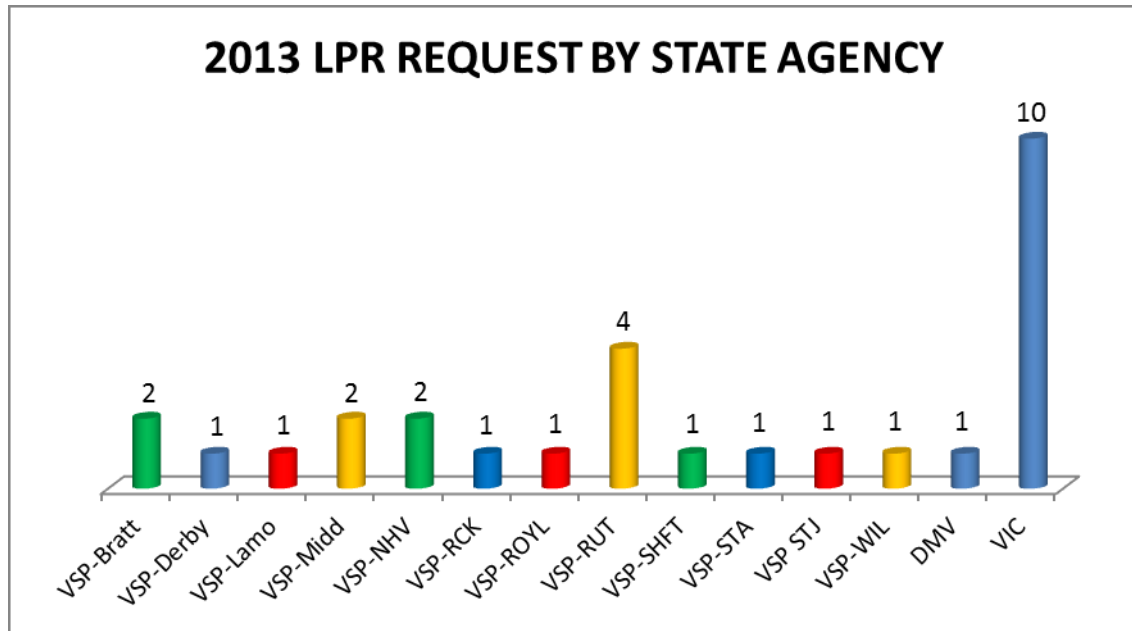
Out-of-State Release – 3

When inquiries are made in the ALPR system it 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.

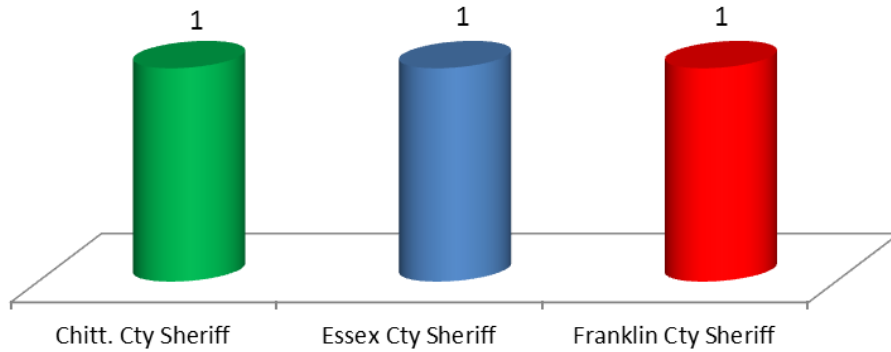
For example, an officer may be looking for a specific plate during a certain time period. The date parameters are set in the ALPR system and if there are any “positive reads”, that information is sent to the officer which indicates the date, time and location (by coordinates). A picture of the plate from the front, back or both may also be sent if available.

REQUESTS BY AGENCY

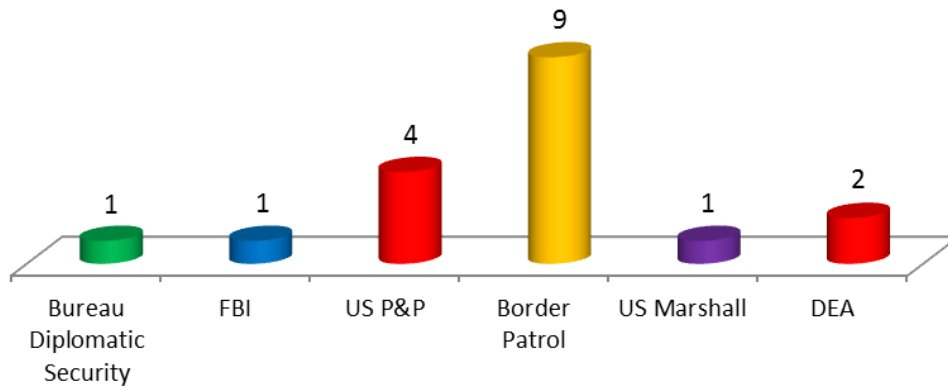
The ALPR requests have been broken down by State, Local, County and Federal Agencies that have put in a request to the VIC. Before any action is completed by the VIC, a form is required to be submitted by the officer with a supervisor's approval. The VIC will run requests from BOL's (Be On the Lookout) from nearby states for serious offenses and a form is completed by the analyst at the VIC, for each action.



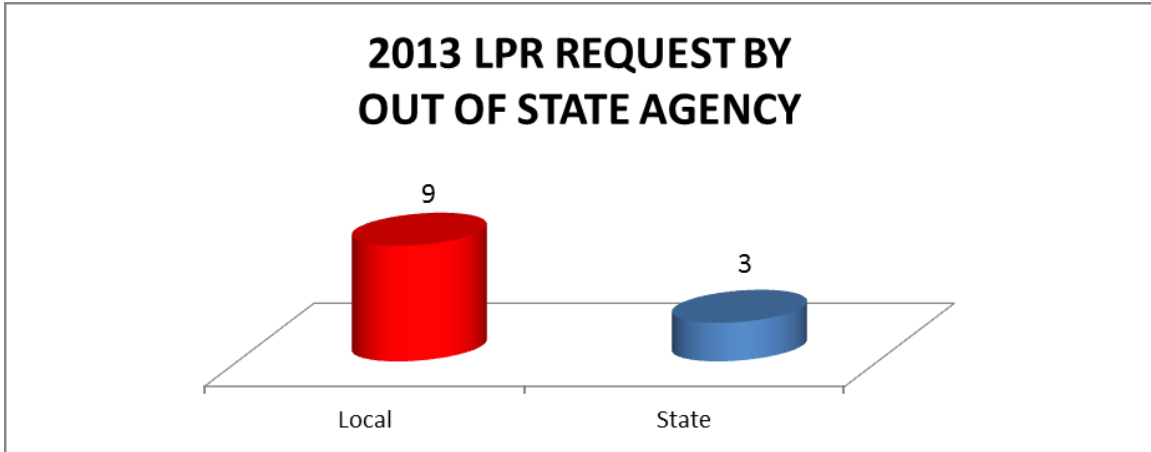
2013 LPR REQUEST BY COUNTY AGENCY



2013 LPR REQUEST BY FEDERAL AGENCY



Total number of out-of-state requests.



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