



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

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 in a manner that both parties agreed upon. 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 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 VTiac. 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. VTiac 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. VTiac 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 67 ALPR units being operated by state, county and municipal law enforcement agencies in Vermont.

ALPR Success Stories for 2014

The Vermont ALPR system assisted in locating two reported missing persons this past year. In each incident the direct use of ALPR data was instrumental in locating the individuals that were in the middle of a crisis.

August 2014: Vermont State Police – Rutland

Reported missing female who was suffering from depression was located after a search of ALPR data their area ALPR readers and that provided the location of where the subject's vehicle was last known to be. Law enforcement returned to the area and was able to locate the subject and assist them with getting medical assistance.

November 2014: Vermont State Police - Williston

Reported overdue elderly motorist that was showing early signs of dementia went missing earlier in the day and had not made contact with family or friends. Subject's vehicle was entered manually into the ALPR system and in the early morning hours the following day the vehicle was located when an officer on patrol passed him on the road. Officer stopped the subject and was able to provide assistance and reunite the elderly male with his family. The subject had been driving around the state for approximately 12 hours before being located.

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, 2013 – December 31, 2014

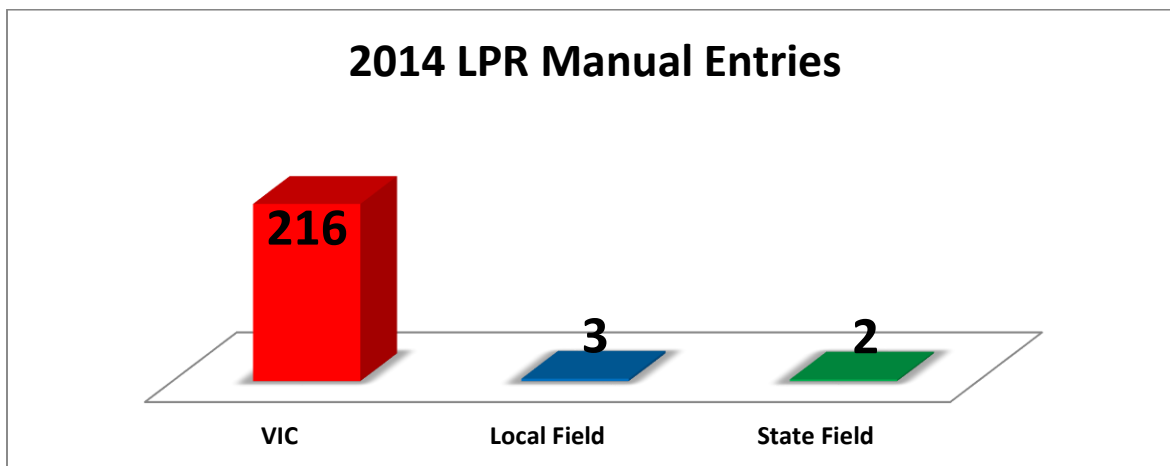
Agency	Reads	Agency	Reads
Vermont State Police	1,308,619	Milton PD	194,736
Barre PD	102,936	Newport PD	157,880
Bennington CSD	82,464	Northfield PD	0
Bennington PD	212,598	Orange CSD	127,769
Brandon PD	95,850	Orleans CSD	33,845
Brattleboro PD	213,697	Rutland City PD	166,682
Burlington PD	770,649	Rutland CSD	210,944
Castleton	24,287	Rutland Town PD	10,298
Chittenden CSD	849,643	Shelburne PD	101,556
Colchester PD	171,592	South Burlington PD	331,510
DMV	239,044	Springfield PD	110,478
Essex CSD	31,040	St. Albans PD	319,450
Essex PD	231,649	Stowe PD	147,807
Franklin County CSD	27,939	Swanton PD	73,597
Grand Isle CSD	240,491	Vergennes PD	46,197
Hardwick PD	65,744	Waterbury PD	73,743
Hartford PD	46,700	Williston PD	840,058
Hinesburg PD	120,904	Wilmington PD	137,715
Lamoille CSD	112,361	Winhall PD	85,791
Ludlow PD	26,255	Winooski PD	149,267
Manchester PD	79,184		

TOTAL CUMULATIVE STATEWIDE READS – 8,438,377

The Total Number of Requests for Manual Entries Made to the VIC

VIC Entries 216

Field Entries 5 (VSP -2 / Local 3)



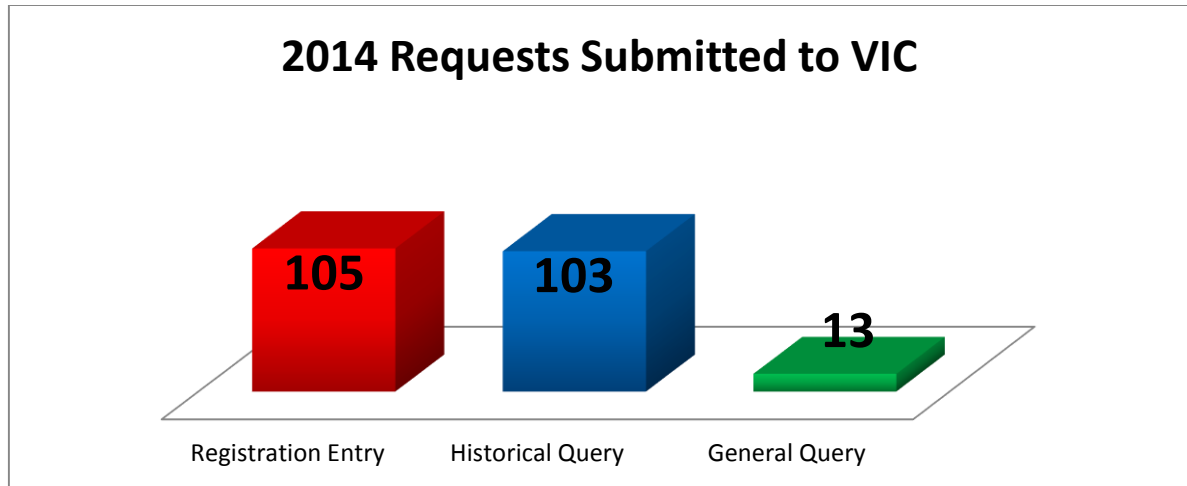
The 221 requests made were generally performed by staff assigned to the VIC (216).

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

Registration Entry	105
Historical Query	103
General Query	13



*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.**

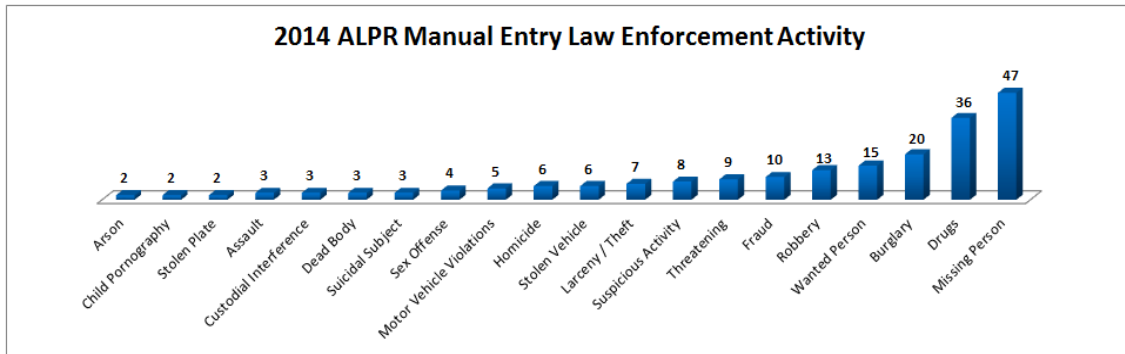
Registration Removals are completed when the case is no longer active. Any Registration Entry requests completed by the VIC are purged from the ALPR system after 30 days regardless of the outcome of the case.

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



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

** The following activity, not included on the chart, was requested only once throughout 2014: Abduction, DCF Pickup Order, Fish & Game Violation, Human Smuggling, Kidnapping, LSA, Public Safety, Shooting, Stalking, Terrorism, Theft of Services, Vandalism, Violations of Conditions of Release, Voyeurism, and Welfare Check.

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 – 38

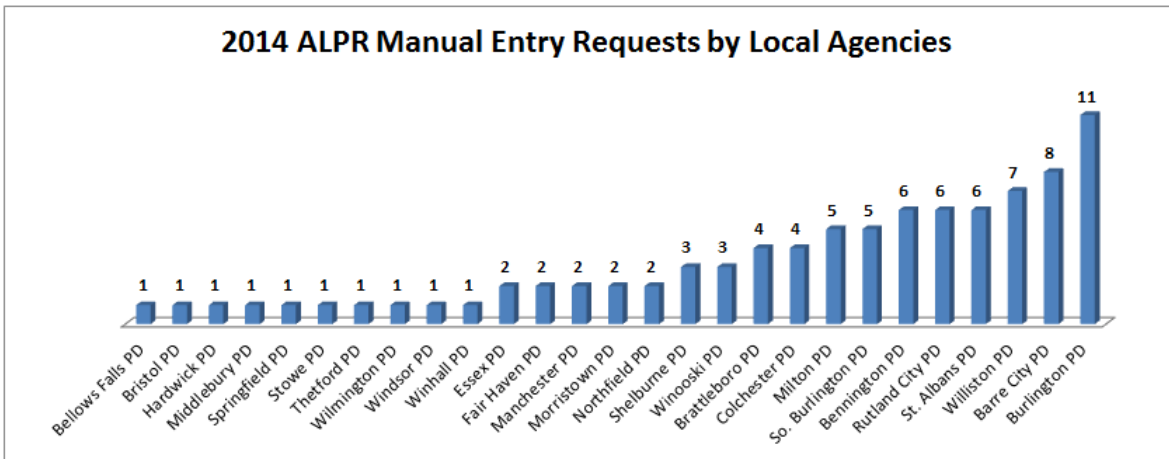
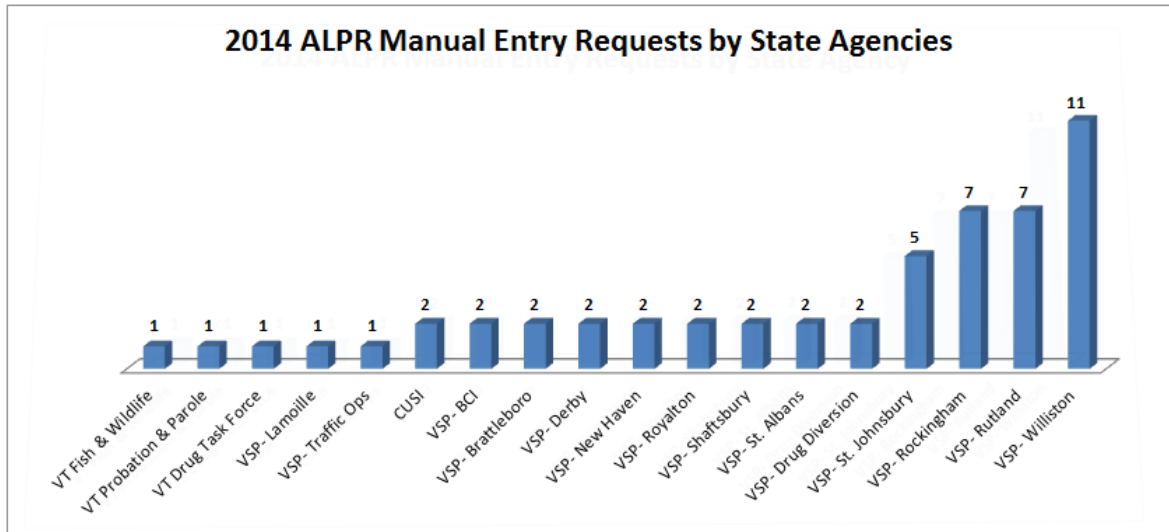
Out-of-State Release of Information – 1

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.**

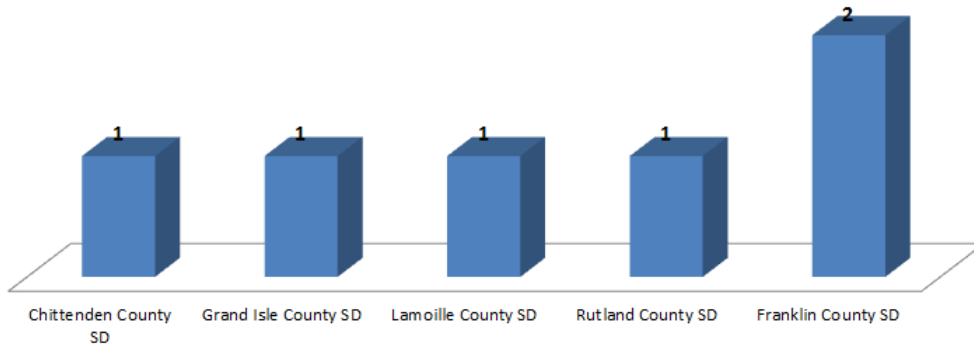
For example, an officer may be looking for a specific plate during a certain time period. The date parameters are set within the ALPR system and any “positive” reads, the information will be sent to the requesting officer. This information includes the date, time and the location where the vehicle was 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

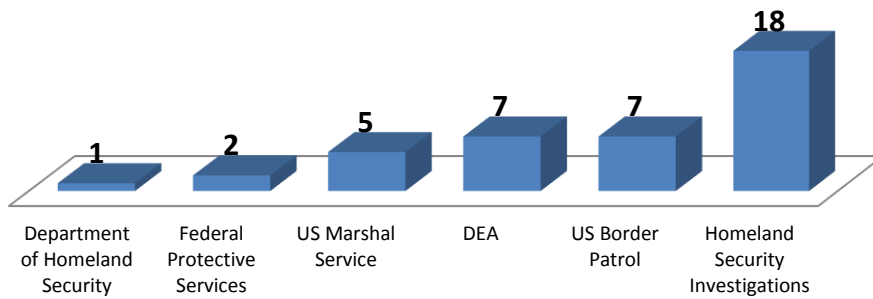
The ALPR requests have been broken down by State, Local, County and Federal Agencies that have submitted a request to the VIC for manual entry. Prior to any action by the VIC, a mandatory ALPR form is required to be submitted by the investigating officer with a supervisor's approval. The VIC will complete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



2014 ALPR Manual Entry Requests by County Agencies



2014 ALPR Manual Entry Requests by Federal Agencies



Total Number of Out-of-State Manual Entry Requests

