

Stowe Police Department

General Order: 2.21 Body Worn Cameras	Related General Orders: 2.20 Mobile Video Recording
This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.	
Applicable Vermont Statutes:	
Date Implemented: 7/28/2016	Date Revised:

I. PURPOSE:

1. The purpose of this policy is to direct officers and supervisors in the proper use and maintenance of **Body Worn Cameras (BWC)** as well as directing how video will be utilized as a quality control mechanism and evidence.

II. POLICY:

1. The policy of this Department is to provide officers with body worn video recording devices in an effort to collect evidence to be used in the prosecution of those who violate the law, for officer evaluation and training, and to provide accurate documentation of law enforcement and citizen interaction. The use of a BWC system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the BWC and the integrity of evidence and related video documentation.

III. PROCEDURE:

1. It is the intent of this policy that all officers who will be using BWC equipment shall be trained on the manner in which the BWC shall be tested, maintained, used and how the recorded events will be properly documented and maintained.

2. It shall be the responsibility of each individual officer to test the BWC equipment at the beginning of each tour of duty. In the event that the equipment is found to be functioning

improperly, the officer shall report the problem to their supervisor or the Department Technology Officer. If problems are encountered with the BWC, it will not be used.

3. Uniformed officers assigned Body Worn Video Cameras will wear them when appropriate for the law enforcement activity being performed.
4. Officers assigned to non-uniformed investigative duties and undercover investigative assignments will utilize the BWC at his/her discretion and when appropriate for the law enforcement activity being performed.
5. A body worn camera can only be activated for a law enforcement purpose.
6. BWC will be worn as directed by the manufacturer of the particular device to optimize the video/audio perspective of the device.
7. Officers of this agency are prohibited from using privately owned body worn cameras
8. Uniformed officers who are assigned BWC are required to record with audio and video the following incidents:
 - A. All calls for service in which citizen contact is made
 - B. Any report of a crime or active incident in progress
 - C. All traffic stops
 - D. All citizen transports (excluding ride-alongs)
 - E. All investigatory stops / detentions
 - F. All foot and vehicle pursuits
 - G. Arrests of any persons
 - H. Searches of any kind
 - I. Seizure of any evidence
 - J. Requests for consent to search
 - K. Miranda warnings and response from in custody suspect
 - L. Statements made by citizens and defendants

- M. K-9 searches
 - N. Issuance of written violations
 - O. Field Sobriety Tests
 - P. When arriving at law enforcement events and/or citizen contacts initiated by other officers
 - Q. Mental health calls or any incidents where a person is presenting an altered mental status
 - R. Events and incidents reasonably foreseeable to be confrontational citizen contact, interactions with aggressive subjects, response to resistance / use of force
 - S. Other incidents or contacts the officer reasonably believes should be recorded for law enforcement purposes
9. Officers are not required to keep a body worn camera activated for the entire period of the officer's shift.
10. Officers will make every reasonable effort to ensure that the BWC recording equipment is accurately capturing events. A reasonable effort includes:
- A. Activating the video/audio recording as soon as the officer makes citizen contact or the law enforcement event begins
 - B. Activating the video/audio when the officer arrives at a street encounter, or citizen contact initiated by another officer
 - C. Positioning and adjusting the BWC to record the event to the extent this can be accomplished without compromising officer safety.
11. The recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs or until the officer, who is recording the event through a BWC discontinues the participation in the law enforcement event.
12. If an officer deems it necessary to stop recording during the event, the officer will make a verbal statement citing the intentions to stop the recording and the reason.
13. If an officer assigned BWC equipment, participates in a law enforcement event or citizen contact, does not activate a body worn camera or becomes aware that the event was not recorded using the BWC equipment, the officer shall document in the incident report or in the case file and notify the supervisor as soon as practical.

14. Officer Review of Video Prior to Making Statements:

- A. Officers shall be allowed to review the audio/visual recordings of an event prior to preparing official reports and documents or answering questions pertaining to the recorded law enforcement encounter.

15. Issues Related to Privacy:

- A. The BWC should not be activated when the officer is on break or otherwise engaged in personal activities or when the officer is in a location where there is a reasonable expectation of privacy, such as a restroom or locker room.
- B. For safety and confidentiality reasons, encounters with undercover officers or confidential informants should not be recorded.
- C. The purposeful-intentional activation of BWCs during personal conversations between officers and between officers and supervisors involving counseling, guidance sessions, personnel evaluations or general conversations is prohibited.
- D. In a residence (or where a reasonable expectation of privacy exists), you must, at a minimum, notify individuals they are being recorded when it is reasonably safe to do so. The Vermont Attorney General's office and the Lamoille County States Attorney would like the officer to gain permission from the individual for recording instead of just a notification. *Example: "Sir/Maam, I just need to let you know that I am wearing a video camera and this it is currently on and recording, is that ok?"*
This requirement starts at the threshold of the residence. Officers are able to stand outside the residence and record someone inside the residence without this notification. As a general rule, if the officer must legally ask permission to enter a premise, he or she should also inform the resident the event is being recorded. Officers must make sure the declaration and request / permission to record is actually recorded, and you also document the response in the incident / case report.

If an officer enters a dwelling without the consent of the resident, such as when serving a warrant, investigating a criminal complaint, or when the officer is there based on an exception to the warrant requirement, recordings should be made of the incident until its conclusion.

16. Recording of Juveniles and Release of Materials.

- A. Access to a person's juvenile crime records is much more restricted than access to adult crime records. Most juvenile crime records are confidential and access will be denied to the public and media. Access to juvenile records is usually only granted to certain persons and organizations such as: Local, state and federal law enforcement,

Prosecutors, Court officials, Parents, The juvenile's attorney. Recordings that capture criminal activity involving juvenile offenders will not be released to media or the general public.

- B. No recordings of Juveniles will be released to the public or the media; this includes but is not limited to images and voice recordings of Juvenile Victims and Juvenile Witnesses.
- C. Students are protected from release of records by the Family Educational Rights and Privacy Act. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Officers that capture video and audio recordings of students during educational and extra-curricular school activities are subject to FERPA.

17. Electronic Storage

- A. This Department will be utilizing **evidence.com** for storage of all BWC recordings.
- B. Original digital files from BWC will be downloaded and stored on **evidence.com**.
- C. Media shall be held in accordance with the state's record retention act for law enforcement records and the established records retention schedule of this Department.
- D. Officers shall download video/audio files before the end of each shift.
- E. All recording media, recorded images and audio recordings are the property of this agency. Dissemination outside the agency, other than other law enforcement agencies and States Attorney, is strictly prohibited without specific authorization of the Chief of Police or designee.
- F. Malicious destruction or deletion of video and audio files is prohibited.
- G. Copies of any electronic media will be stored in such a way as to maintain the security and integrity of the audio/video recordings.
- H. No member of this agency shall alter, redact, delete, or destroy any original or back up copy of an audio/video recording without approval of the Chief of Police or designee.
- I. If an officer inadvertently activates a BWC in an area where there would be an expectation of privacy (restroom, locker room, etc.) or any other situation where

there is no need to have the BWC activated, then the officer shall notify a supervisor. That video file may be deleted only with the permission of the Chief of Police or designee.

- J. Electronic Media is subject to review by the Chief of Police or his designees.
- K. Video shall not be reproduced for purposes which are outside the scope of authorized uses under this policy without the express authority of the Chief of Police or designee.
- L. Supervisors shall review recorded events of each officer under his or her supervision at least once every thirty (30) day and documented on *In-Car/ Body Worn Camera Review Sheet* .

18. BWC Evidentiary/Administrative Procedures:

A. When an officer becomes aware that a BWC recording contains potential evidence of a criminal or administrative matter, the officer is required to ensure the video is uploaded to **evidence.com** and document such recording in any case or incident report.

B. When a BWV related to evidence of a criminal or administrative matter is recorded, the technology officer will ensure the video is uploaded to **evidence.com** and only disseminated per Department procedures.

C. Civilians shall not be allowed to review recordings except as approved by the Chief of Police or designee.

IV. DISCIPLINE:

1. Any violation of this policy may be grounds for disciplinary action consistent with any applicable collective bargaining agreement, statute, Department policy or Town policy.

Issued by: _____

Donald Hull
Chief of Police