



Office of Mayor Miro Weinberger

MEMORANDUM

TO: Police Commission
FROM: Mayor Miro Weinberger
DATE: September 24, 2020
RE: Finalizing a Body Camera Footage Release Policy

Thank you for setting up a committee to finalize such a policy. It has been two years since the Jok and Melli incidents that made clear that it is problematic for the City not to have a clear policy regarding how and when we release bodycam footage of significant interactions between police and public. I had hoped this policy would be address by the Special Committee on Policing, but that proved beyond what that committee was able to complete. At this point, I feel great urgency to put a policy in place and welcome your focus on this.

Principles of a Body Camera Footage Release Policy

To assist your efforts, I have asked Acting Chief Murad and City Attorney Eileen Blackwood to help me develop concepts and principles of what we believe a good policy could include to assist your work. I offer you these concepts and principles in the hope that they will strengthen your work and make it possible to finalize and approve a Body Camera Footage Release policy in October:

1. The Police Department will proactively release primary or representative body camera footage within 30 days of an incident, unless a criminal inquiry would prevent release, related to the following types of incidents:
 - a. An incident that involves police use of force resulting in serious bodily injury or death to any person
 - b. An incident of police force that involves the use of aerosol agents, Conducted Electrical Weapon (CEW), police batons, Less Lethal Impact Munitions (LLIMs), firearms, or other lethal force.
 - c. Any incident for which the Chief of Police, Mayor and/or the majority of the Police Commission determines that the release of body-worn footage will address significant public attention or concern, or will help enforce the law, preserve peace, and/or maintain public order.
2. In some rare cases, a release may be delayed beyond 30 calendar days if necessary under specific circumstances, such as to protect individual privacy of a victim or witness, the right to a fair trial, or continuing investigation of criminal conduct. The Department may consult with a prosecutor before releasing a video that may adversely impact a criminal trial.
3. Given the current staffing of the Burlington Police Department, the Department does not have the capacity to fully redact videos consistent with the Vermont Public Records Act, however, there are reasons that the Department must redact footage, for example, to

protect the privacy of individuals or a defendant's right to a fair trial. We believe the privacy and release-timing goals could be achieved using one or both of the following methods:

- a. Fully blurring the video footage so that individuals cannot be identified.
- b. Fully redacting audio data.

With either of these methods, any member of the public who wished to have access to the blurred footage or redacted audio could request that information pursuant to the Vermont Public Records Act.

It is also worth noting that as technology improves to assist with redaction, the Department will be able to release more footage and be more precise with necessary redactions. However, current technology parameters require intensive manual redactions, for which the Department does not currently have the staffing.

4. Relevant body camera footage will be posted to a BPD YouTube channel and sent to the media through a routine press release.