



**BURLINGTON POLICE DEPARTMENT
DEPARTMENT DIRECTIVE
DD14.1 Body Worn Camera Systems**

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I. PURPOSE:

To insure that recordings obtained through Officer Body Worn Cameras (BWC) are utilized in the most transparent means possible without jeopardizing the rights of the Officers wearing them or the public that entrusts this equipment to them. The BWCs will aid in documenting emergency response, crime scenes, evidence preservation, and in enhancing police transparency, thereby preserving and expanding the public's trust.

II. POLICY:

The prescribed use outlined below is designed to maximize the capture of video recordings in instances where a police officer is exercising their authority, to aid in the capture of significant information, and in documenting police incidents. These parameters will be modified based on user experience, legal decision, and changes in technology as they occur.

III. DEFINITION: BODY WORN CAMERAS (BWCs) – Any BPD-issued system worn by an Officer that captures audio and video.

IV. OBJECTIVES:

- A.** To enhance Officer safety
- B.** To document statements and events as they are occurring
- C.** To document crime or incident scenes
- D.** To enhance an Officer's ability to document and review statements and actions for reporting and criminal prosecution
- E.** To preserve visual and audio information for use in current and future investigations
- F.** To serve as a tool for Officer training
- G.** To enhance public trust

Body Worn Camera Systems**V. PRESCRIBED & PERMITTED USE:**

It is never certain that incidents are accurately represented at the time of the initial complaint, erring on the side of safety, uniformed Officers will activate their BWCs once responding to or arriving at an incident.

A. BWCs will be activated to record the following types of police interactions unless otherwise prohibited under this policy. All Officers, to include assisting Officers, will activate their BWC during any police incident where citizen contact is made or anticipated. Examples of prescribed use include:

1. All incidents, crimes in progress, or upon arrival at any incident which is in progress
2. Traffic stops, detentions, arrests, and during the issuance of any civil or criminal process
3. All transports (excluding ride-alongs)
4. Searches and seizures, including all K-9 searches
 - a. Officers executing Court ordered search warrants shall activate their BWC upon approach to the residence and will continue to have their BWC activated during the initial entry, through the duration of scene security, any potential use of force scenarios and during the detention of subjects located within the residence. Given consideration to the integrity of the investigation regarding informants, undercover Officers, crime victims, and confidential sources of information; BWCs will be deactivated only at the direction of the supervisor on scene and only after the scene has been secured and there is no longer an anticipated use of force or confrontation.
 - b. Officers executing search warrants on portable items such as backpacks, cars, cell phones, etc. that are conducted in a controlled setting such as the sally port or within the confines of the ID Unit, will be documented with photographs/forensic reports/investigative reports/etc. and will not be recorded with the use of the BWC.
5. When arriving at law enforcement events and/or citizen contacts initiated by other Officers
6. Requests for consent to search, Miranda warnings and responses
7. Incidents reasonably foreseeable to be confrontational; citizen contacts, interactions with aggressive subjects, responses to resistance/ uses of force. Factors in determining whether confrontation is foreseeable include but are not limited to the content of initial reports, subject actions upon arrival, and prior history with a subject or location.

B. There are circumstances around how Officers take reports and certain incident types which do not warrant the activation of the BWC. Examples of this would include but are not limited to; foot patrols, security assignments, and reports taken over the telephone. Uniformed Officers are often

asked questions related to directions, parking regulations, and locations within the City. Capturing such innocuous interactions via BWC is not an intended goal of this policy.

- C. BWCs may be used as a secondary means to an Officer's digital recorder or digital camera when recording witness statements or document physical crime scenes.
- D. Once activated, BWCs should remain on through the duration of an incident or citizen contact (UNLESS):
 - 1. A prohibited use, as outlined in section VI, occurs; AND it is no longer reasonable to continue using the device.
 - 2. A BWC is muted during on-scene conferences between Officers, supervisors, advocates, mental health clinicians, fire and emergency medical personnel, doctors, nurses, or others discussing confidential medical information or investigative strategy/methodology because the Officer determines that the disclosure of that conference would violate confidentiality, privacy, other individual rights, compromise this or future investigations, or otherwise impede law enforcement efforts.
 - 3. A person reporting a crime or assisting in an ongoing investigation who requests to remain anonymous, and the Officer agrees; in which case the BWC may be deactivated.
 - 4. A recording may be stopped in cases of a sensitive nature such as domestic assault or sexual assault, once the offender has been removed from the scene and the body camera user has recorded an initial account from the victim and recorded the scene of the alleged offence. In these circumstances the Officer should consider whether continuing to record through statement taking or other administrative processes is appropriate or necessary.
 - 5. Officers can deactivate their BWCs at scenes where there are prolonged periods of waiting absent citizen contact; e.g. waiting for a tow truck or funeral home at a static scene, completing crash report or traffic tickets while alone in their cruiser. Further, Officers are not expected to record the time spent preparing arrest paperwork or other tasks which occur within police headquarters that do not involve contact with suspects, victims, and witnesses.
 - 6. In general, Officers are encouraged, but not mandated, to narrate what they perceive or are intending to act upon. This action can assist in clarifying or explaining actions that are going to occur.
 - 7. When an Officer mutes their camera they must state the reason for doing so on the record when reasonable and safe to do so. At the discretion of the Chief of Police or their designee, BWC video may be used for training purposes.
- E. All plain clothes Officers/Detectives, including all those assisting, will activate their BWC to record the types of police interactions specified in this section unless otherwise prohibited under this policy.

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1. All plain clothes Officers/ Detectives will activate their BWC during the following incidents where citizen contact is anticipated to include:
 - a. Traffic Stops initiated by the plain clothes Officer/ Detective
 - b. Detentions/ Arrests
 - c. Issuance of Criminal Process (Citations)
 - d. Transport of an arrestee
 - e. Any incident response where confrontation or use of force is anticipated.
 - f. Search warrants (see Section V. A. 4.)

2. It is understood that plain clothes Officers/ Detectives do not wear a BWC as part of their daily attire and therefore there may be instances where Officers/Detectives are out of the office without their BWC when they are required to respond directly to a scene. Officers/ Detectives in Plain Clothes assignments shall make every reasonable effort to have their BWC available to them while responding to incidents. If the plain clothes Officer/ Detective does not have their BWC, they shall notify their supervisor of such when safe and practical to do so.

VI. PROHIBITED USES:

- A. Officers issued BWCs will respect the dignity of all and use sound judgment as to when and how the device will be used. Officers will try to avoid recording videos of persons who are nude or when sensitive human areas are exposed and will refrain from activating the device in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms, unless activation of the device is necessary for a legitimate law enforcement purpose. BWCs will not be used to record a subject while an invasive search of that individual, justified under existing law, is occurring where sensitive areas of a person's body may be exposed.

- B. Officers shall avoid using BWCs to record individuals who are picketing or engaging in a protest or during First Amendment demonstrations *unless* an obvious violation of criminal or municipal law is occurring or the Officer is in the same vicinity for other legitimate law enforcement purposes; or as directed by the Chief of Police or their designee under circumstances where disorder or criminal conduct is anticipated.

- C. BWCs shall not be used to record: any personal activities, conversations with other Officers or staff (unless part of an incident described in paragraphs VI, A or VI, B above, or pertinent to a criminal investigation such as formal processing or interviews), encounters with undercover Officers or cooperating/confidential informants, and any setting or situation in which such a recording is prohibited by law.

- D. Non-law enforcement personnel shall not be allowed to view video at the scene of an incident unless doing so is necessary to further an investigation or ensure the safety of the public or property and only then with the express permission of a supervisor.

- E. Only BPD-issued BWC equipment shall be used by Officers.

VII. GENERAL OPERATION OF DEVICES:

- A. Officers shall receive approved training on the BWC equipment prior to using the equipment in an operational setting. Additional training may be required at periodic intervals to ensure the continued

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effective use and operation of the equipment, to maintain proper calibration and performance; or to incorporate changes, updates, or other revisions in policy and equipment.

- B. BWC devices are assigned to individual Officers and shall be stored in the designated secure locations. BWC equipment is the responsibility of the individual Officer to whom it is issued and is expected to be used with reasonable care to ensure proper functioning.
- C. Prior to beginning each shift Officers shall turn on the BWC and inspect it for any defects or wear. Officers must report any problems to the OIC as soon as it is safe and practical to do so.
- D. BWC operational modes are limited to three categories;
 - 1. On – When the power switch is placed in the “On/Buffering” position and the device is powered on.
 - 2. Buffering – The BWC will go into “Buffering” mode when powered on. The “Buffering” mode holds the previous 30 seconds of video (no audio) leading up to the beginning of a recording. “Buffering” will hold less video if the BWC was recently powered “On” or a recording was stopped within the preceding 30 seconds.
 - 3. Activated – When the officer activates the BWC, and the BWC begins to record audio and video. This also includes and captures the 30 seconds of video (no audio) from “Buffering”.
 - 4. Mute – When the BWC is activated, the “Mute” function will stop the recording of audio, while the recording of video is continued. Recording of audio will continue when the BWC “Mute” function is later switched off.
- E. Officers are expected to take reasonable efforts to ensure that the BWC is capturing events. Officers will wear their BWC mounted front facing on their torso.
- F. Upon the end of each shift or as soon as practical, Officers will place the BWC into its designated transfer unit and use the approved process to download the data. Under no circumstances shall Officers erase or edit any media recorded by the unit during the shift. All access to this location will be controlled by the Burlington Police Department for any of its employees or requesting parties (i.e., State’s Attorney).
- G. When BWC video is recorded, Officers must add the video file(s) to a minimum of one of the following established categories to maintain for proper retention periods:
 - Category Type/Retention Period**
 - 1. CFS/Non-event – 90 Days
 - 2. Traffic Stops – 3 years
 - 3. Arrest/ INCAPS – 7 years
 - 4. Investigations- 1 year
 - 5. DUI related incidents- 7 years
 - 6. Use of Force Incidents- Indefinite/manual deletion
 - 7. OIS/Major Incident- Indefinite/manual deletion

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- H. When a BWC is activated during an incident in which an individual is taken into custody for any reason, processing of an individual for Driving Under the Influence (whether roadside or at the police department), or any Use of Force greater than non-complaint handcuffing, that video and all related video shall be downloaded, labeled, and categorized by the conclusion of that shift, unless later processing is approved by the Officer in Charge.
- I. If a BWC is activated during a call for service where potential evidence of a crime has been retrieved or documented, that video shall be labeled and categorized under the "Investigations" category by the conclusion of that shift unless approved by the Officer in Charge. If an investigation results in criminal charges, the video category shall be updated appropriately by the charging Officer.
- J. In all other instances in which a BWC is activated, the video should be downloaded, labeled and categorized as soon as reasonably practical, before the end of the Officer's shift, unless approved by a supervisor. When an Officer does not use their BWC at the scene of an incident they will record the fact that video footage does not exist and the reason why in their report / affidavit.
- K. No other devices may be attached, installed or connected to the BWC system, except approved devices such as phones or tablets used to view the video streaming from the device. Additionally, no secondary recording in any form may be made from the device or its stored copies of recordings. Viewing of a recording on unapproved personal devices is prohibited.
- L. No staff shall edit, alter, delete, erase, duplicate, copy, share, or otherwise distribute BWC video except as prescribed by Department policy. If an Officer wishes to request that a portion of a recording be deleted (for example, if a personal matter were inadvertently recorded), that request should be submitted in writing to the chief or a deputy chief for approval.
- M. The BWC equipment, all data, images, video, and metadata captured, recorded, or otherwise produced by the BWC system is the property of the Burlington Police Department, and any unapproved access, copying, or releasing of such media or information is prohibited. All requests for copies of media are to be subject to the same scrutiny and evidence handling procedures used for any other digital images obtained and retained by the Department.
- N. Officers are encouraged to inform their supervisor of any video that may be of value for training purposes.

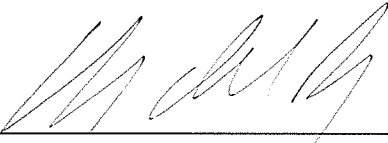
VIII. VIDEO STORAGE, CONTROL, AND MANAGEMENT:

- A. All videos, which remain the sole and exclusive property of the Department and may never be used for any purpose other than official business, will be uploaded to Evidence.com by the end of the Officers' shift unless otherwise authorized by a supervisor. Date and time stamps are automatically assigned by the software.
- B. Access to recordings shall be for official business only. Staff access to recordings shall be controlled by a BWC Program Manager designated by the Chief of Police.
- C. All requests for copies of videos must be made to the Burlington Police Department ID/Property Unit. A copy will be made and sent to the requestor within three days of the request pursuant to the Vermont Public Records Act. A duplication fee dictated by statute will be assessed and must be paid by the requestor.

IX. PERSONNEL PERFORMANCE & BODY WORN CAMERAS:

- A. BWC recordings shall not be audited to monitor Officer or personnel performance without cause.
- B. While we make every effort to avoid errors, the BWC recordings will assist in coaching for improved performance if errors are recorded. They are not intended to levy more substantial discipline to employees than the same conduct, unrecorded, would subject them to. The existence of the recording does not exacerbate or aggravate the conduct. It only presents a clear account of it. It is directly acknowledged as we deploy BWCs broadly that staff regularly encounters stressful situations in a fast paced and often unpredictable street-level operating environment, and staff will sometimes misstep, make mistakes, or use foul language.
- C. It is acknowledged by the Department (and by the Courts) that equipment of all kinds is sometimes subject to failure. In the event of an equipment failure or if an Officer forgets to activate the BWC device, the circumstances and details will be documented in a report and the on duty Officer in Charge will be made aware as soon as practical. Repeated failures or errors in this regard by a single employee could be the cause for further training or inquiry. A single instance of failure to activate a device could result in discipline if the Department determines that the action was taken deliberately to cover up improper action by the Officer or other Officers.
- D. An Officer will have access to their BWC footage prior to making statements or writing reports related to the execution of their duties as police Officers. If an Officer is suspected of criminal conduct or serious misconduct the Department reserves the right to control the Officer's access to video file consistent with the Officer's legal rights.

Reviewed and adopted by the Burlington Police Commission on February 20th, 2018.



Brandon del Pozo, Chief of Police

2/22/17

Effective Date

