

S.174

Introduced by Senators Sears, Ashe, and Benning

Referred to Committee on Judiciary

Date: January 5, 2016

Subject: Law Enforcement Advisory Board; model policy; body cameras

Statement of purpose of bill as introduced: This bill proposes to require the Law Enforcement Advisory Board to propose a model State policy for use of body cameras by law enforcement officers.

An act relating to a model State policy for use of body cameras by law enforcement officers

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. LAW ENFORCEMENT ADVISORY BOARD, MODEL STATE
POLICY; BODY CAMERAS~~

~~On or before December 15, 2016, the Law Enforcement Advisory Board shall propose to the Senate and House Committees on Judiciary a model policy for the use of body cameras by Vermont law enforcement officers. The model policy required by this section shall include provisions regarding:~~

~~(1) when a law enforcement officer should wear a body camera;~~

~~(2) under what circumstances a law enforcement officer wearing a body camera should turn the camera on and off;~~

1 ~~(3) whether and when a video recording made by a law enforcement~~
2 ~~officer's body camera, including a recording that involves a crime victim,~~
3 ~~should be a public record, and~~

4 ~~(4) treatment of situations when a law enforcement officer's body~~
5 ~~camera malfunctions or is unavailable.~~

6 Sec. 2. EFFECTIVE DATE

7 ~~This act shall take effect on passage.~~

*Sec. 1. LAW ENFORCEMENT ADVISORY BOARD; MODEL STATE
POLICY; BODY CAMERAS*

(a)(1) On or before December 15, 2016, the Law Enforcement Advisory Board shall establish and report in the form of proposed legislation to the Senate and House Committees on Judiciary and on Government Operations a statewide policy for the use of body cameras by Vermont law enforcement officers.

(2) The report required by this subsection shall include a section addressing:

(A) any costs associated with establishing the statewide policy, including strategies for minimizing the costs of obtaining cameras and storing data; and

(B) potential grants available to alleviate the costs of establishing the statewide policy.

(b) The model policy required by this section shall include provisions regarding:

(1) when a law enforcement officer should wear a body camera;

(2) under what circumstances a law enforcement officer wearing a body camera should turn the camera on and off, and a requirement that the officer provide the reasons for doing so each time the camera is turned on and off;

(3) when a video recording made by a law enforcement officer's body camera should be exempt from disclosure under the Public Records Act as determined by 1 V.S.A. chapter 5, subchapter 3; and

(4) treatment of situations when a law enforcement officer's body camera malfunctions or is unavailable.

~~(c)(1) Except as provided in subdivision (2) of this subsection, on or before July 1, 2017, every State, local, county, and municipal law enforcement agency and every constable who is not employed by a law enforcement agency shall adopt a policy for the use of body cameras by law enforcement officers that at a minimum meets the requirements of the policy established by the Law Enforcement Advisory Board pursuant to subsection (a) of this section. If a law enforcement agency or officer that is required to adopt a policy pursuant to this subsection fails to do so on or before July 1, 2017, that agency or officer shall be deemed to have adopted, and shall follow and enforce, the model policy established by the Law Enforcement Advisory Board pursuant to subsection (a) of this section.~~

~~(2) A law enforcement agency or constable that does not use body cameras shall not be required to adopt a model policy under subdivision (1) of this subsection.~~

~~(c) A law enforcement agency or constable that does not use body cameras shall not be required to adopt a model policy regarding their use.~~

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.