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H.419

Introduced by Representatives Troiano of Stannard, Cina of Burlington, Fields of Bennington, Gannon of Wilmington, Hooper of Brookfield, LaLonde of South Burlington, Masland of Thetford, McCullough of Williston, Mrowicki of Putney, O’Sullivan of Burlington, Potter of Clarendon, Viens of Newport City, Walz of Barre City, Willhoit of St. Johnsbury, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Public safety; law enforcement officers; video recording

Statement of purpose of bill as introduced: This bill proposes to require local law enforcement agencies to ensure that law enforcement officers engaged in law enforcement activities are equipped with a video recording device on the officer’s person or vehicle. The bill also proposes to require a law enforcement officer to record on video any interaction with a person ~~whom~~ who the officer has reasonable suspicion to believe is committing a crime or civil violation. Video recording is not required under exigent circumstances or if video equipment is unavailable or malfunctioning. The bill proposes to require a law enforcement officer operating a vehicle containing a video

1 recording device to turn the device on whenever the vehicle's blue lights are in
2 operation.

3 An act relating to recording of criminal and civil offenses by law
4 enforcement officers

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

6 Sec. 1. 20 V.S.A. § 2223 is added to read:

7 § 2223. LOCAL LAW ENFORCEMENT AGENCIES; VIDEO

8 RECORDING DEVICES

9 (a) A local law enforcement agency shall ensure that whenever a law
10 enforcement officer is engaged in law enforcement activities:

11 (1) the law enforcement officer is equipped with a video recording
12 device on his or her person; or

13 (2) the law enforcement officer's vehicle is equipped with a video
14 recording device.

15 (b) As used in this section:

16 (1) "Law enforcement agency" means a municipal police department or
17 a sheriff's department.

18 (2) "Law enforcement officer" means a person employed by a law
19 enforcement agency who exercises law enforcement powers.

1 Sec. 2. 20 V.S.A. § 2224 is added to read:

2 § 2224. VIDEOTAPING OF OFFENSES

3 (a)(1) A law enforcement officer shall record on video any interaction with
4 a person who the officer has reasonable suspicion to believe is committing a
5 crime or civil violation.

6 (2) Video recording required by this subsection shall:

7 (A) begin not later than when the officer develops reasonable
8 suspicion to believe the person is committing a crime or civil violation;

9 (B) include:

10 (i) pursuit, apprehension, questioning, and arrest or citation of
11 the person;

12 (ii) the person being informed that the videotaping is occurring;

13 (iii) the person being advised of his or her rights under *Miranda v.*
14 *Arizona*, 384 U.S. 436 (1966); and

15 (C) conclude after arrest, citation, or release of the person.

16 (3) A videotape made pursuant to this subsection may be offered into
17 evidence in a criminal or civil proceeding.

18 (4) No videotape shall be required under this subsection if:

19 (A) the videotape equipment malfunctioned or was inoperable at the
20 time of the incident, and reasonable efforts have been made to maintain the
21 equipment in operable condition;

1 (B) videotaping equipment was unavailable at the time of the
2 incident, and reasonable efforts have been made to make the equipment
3 available; or

4 (C) exigent circumstances existed which made videotaping the
5 incident dangerous or impracticable.

6 (b)(1) When a law enforcement officer is operating a law enforcement
7 vehicle containing mobile video recording equipment, the officer shall begin
8 operating the equipment whenever the officer initiates operation of the
9 vehicle's blue signal lights.

10 (2) This subsection shall not apply if the law enforcement officer
11 otherwise records the event pursuant to subsection (a) of this section.

12 (c)(1) A video recording made by a law enforcement officer as required by
13 this section shall not be deleted unless the deletion is:

14 (A) made pursuant to a record retention schedule approved by the
15 State Archivist; or

16 (B) otherwise authorized by law.

17 (2) A video recording made by a law enforcement officer as required by
18 this section that is used as evidence in a disciplinary action against a law
19 enforcement agency employee shall not be deleted until the expiration of the
20 longer of the following periods:

21 (A) three years after the completion of the disciplinary action; or

1 (B) the expiration of a period designated in an applicable employee
2 bargaining contract.

3 (d) A video recording made by a law enforcement officer as required by
4 this section shall be subject to 1 V.S.A. chapter 5, subchapter 3 (Public
5 Records Act). A recording that is the subject of a Public Records Act request
6 shall not be subject to deletion until after any appeals of the denial are fully
7 and finally adjudicated.

8 Sec. 3. EFFECTIVE DATE

9 This act shall take effect on July 1, 2017.