



VSP-DIR-417

Audiovisual Equipment and Recordings

1.0 Purpose

- 1.1 To provide uniform and proper use and management of audiovisual equipment and recordings by Vermont State Police members. This includes mobile (cruiser) audiovisual recording equipment (MVR), body worn cameras (BWC) and audiovisual recording equipment maintained at field stations.

2.0 Policy

- 2.1 Audiovisual equipment and audiovisual recordings mean equipment and recordings that make use of both hearing and sight.
- 2.2 All members and supervisors using and managing audiovisual equipment and recordings shall be appropriately trained in proper operation and be familiar with this policy. Training will be consistent with recommendations and material provided by the respective vendor. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
- 2.3 All audiovisual equipment and recordings are property of the Department of Public Safety and the recordings are public records subject to the Vermont Public Records Act, also known as the PRA (1 V.S.A. §§ 315-320).
- 2.4 Under no circumstances shall any member destroy give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule, as defined in 3 V.S.A. § 117(a)(6), that has been approved by the State Archivist (1 V.S.A. § 317a). In addition:
 - A. Members shall not erase, edit or alter any recording, videotape, DVD, USB drive (the content of which has yet to be transferred), or MVR/BWC hard drive without prior written authorization and approval of the Director or designee.
 - B. No DVDs, USB drives, tapes, or digital video files (recordings), shall be destroyed or reused without authorization from a Station Commander.

- 2.5 All audiovisual recordings of the Department of Public Safety, including those reflecting the initial arrest of a person, including any ticket, citation, or complaint issued for a traffic violation, as that term is defined in 23 V.S.A. § 2302, shall be released or disseminated to the public. Release shall occur upon approval of the Director or designee.
- 2.6 Audiovisual recordings shall be released or released with redaction, in accordance with Vermont's Public Records Act and other applicable statutes. The circumstances under which a recording, in part or whole, may be exempt from public inspection and copying include, but are not limited to, the following:
- A. Pursuant to 1 V.S.A. § 317(c)(5)(A) (i) - (vi), and (D), it is determined that a recording involves the detection and investigation of crime, but only to the extent that the production of such records:
1. After consultation with the appropriate prosecuting authority, release of the recording "could reasonably be expected to interfere with enforcement proceedings;"
 2. Release "would deprive a person of a right to a fair trial or impartial adjudication;"
 3. Release "could reasonably be expected to constitute an unwarranted invasion of personal privacy;"
 4. Release "could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;"
 5. Release "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecution if such disclosure could reasonably be expected to risk circumvention of the law;"
 6. Release "could reasonably be expected to endanger the life or safety of a member or any other individual."

7. Information that “could be used to facilitate the commission of a crime” or reveal “the identity of a private individual who is a witness to or victim of a crime, unless withholding the identity or information would conceal government wrongdoing.” 1 V.S.A. Section 317(c)(5)(D).
 - B. The recording is subject to an internal investigation, but the recording is exempt only until the conclusion of the investigation, and release may occur with the approval of the State Police Advisory Commission (SPAC). See 20 V.S.A. Section 1923(d).
- 2.7 All audiovisual recordings shall be retained at the station level in accordance with their respective record schedules and VSP-DIR-134 Records and Information Management:
- A. Passive audiovisual recordings shall be managed as “Logs” in accordance SRS-1819.1103 (Law Enforcement Operational/ Managerial Records). Logs have limited administrative value and shall be purged when no longer needed.
 - B. Warning and non-incident recordings shall be managed as “Logs” in accordance with SRS-1819.1103 (Law Enforcement Operational/ Managerial Records). Logs have limited administrative value and shall be purged when no longer needed.
 - C. Violation recordings gathered as part of an investigation for presentation at a judicial proceeding shall be managed as “Evidence” in accordance with SRS-1819.1129 (Civil Violation Complaints). Evidence in civil violation complaint cases has temporary legal value and shall be retained until the civil violation complaint case is completed/closed and then destroyed.
 1. Violation recordings not intended to be submitted as evidence in a civil violation complaint proceeding shall be managed as “Logs” in accordance with SRS-1819.1103 (Law Enforcement Operational/ Managerial Records).
 - D. Offense recordings gathered as part of an investigation for presentation at a judicial proceeding shall be managed as “Evidence” in accordance with SRS-1821.1129 (Criminal Investigations). For major or significant criminal investigations and offenses for which there is no limitation on prosecution commencement, evidence has permanent (archival) value and shall be retained permanently.
 1. For all other investigations, evidence has temporary legal value and shall be retained until the investigation and related criminal prosecution by the

prosecuting attorney is completed/closed or the statute of limitations to bring charges has passed, whichever is sooner, and then destroyed.

- 2.8 Audiovisual recordings authorized for destruction through a record schedule shall be destroyed when retention requirements have been met using the following methods (based on storage media): DVDs shall be destroyed utilizing a DVD shredder or other approved destruction method; analog tapes shall be destroyed in a manner that renders them incapable of being further viewed; and digital video files shall be hard deleted from the Watchguard Evidence Library.
- 2.9 MVRs are capable of recording video in standard definition (480P) or high definition (720P) simultaneously. The default video definition setting should be used (determined by the event category tag chosen); unless in the member's judgment, the recording should be retained at the higher definition.

3.0 Procedure

3.1 Mobile Audiovisual Recording Equipment (MVR)

- A. Members using MVR equipment shall record both video and audio in the following situations including but not limited to:
 1. All citizen contacts of a law enforcement nature.
 2. Major motor vehicle and criminal enforcement stops.
 3. Police pursuits.
 4. In progress motor vehicle or criminal statute violations.
 5. Traffic collisions involving department vehicles and/or collisions resulting in injury or death.
 6. Any situations where the member, because of experience or training, determines that the incident should be documented.
 7. All searches.
 8. Any incident in which a member may need to deploy force as defined within VSP-DIR-701.

9. Special Team Activations.

B. After an audiovisual recording has been initiated, if a member finds it necessary to pause or stop the recording prior to the conclusion of the event, the member shall document the reason for the termination or suspension of the recording.

C. MVR Videotape/DVD Storage

1. Each station shall maintain a DVD cabinet in a secure location.
2. The cabinet shall remain locked and accessible to supervisory personnel or their designee only.
3. During the mandatory retention period, all DVDs shall be returned to the cabinet following their removal for review or duplication for court or other authorized reason.
4. Each DVD shall be identified, labeled and burned into the metadata as follows:
 - a. In the Officer Name Field: The member's VIBRS user name (i.e. in the case of Merritt Edson, medson) will be listed.
 - b. In the Vehicle Name Field: the letters EQ will be followed by one space and the EQ number (i.e. EQ 424).
 - c. In the Department Name Field: only the letters VSP will be listed.

D. Storage of MVR Digital Video Files

1. For the purpose of this document, the term "file" refers to all sounds, images, and metadata.
2. In a secure location, each station shall maintain a computer workstation to function as the Watchguard Evidence Library.
3. The Watchguard Evidence Library program is accessible through a combination of a unique username and password. There are four (4) separate access levels:
 - a. WG Administrator - maintains system settings and configurations. This duty is assigned to the Agency of Digital Services Sergeant position.

- b. WG Supervisor – can review, export, and delete video of any department member. Supervisory personnel (members of the rank of Sergeant and above) are assigned to the supervisor level.
 - c. WG Custodian – can review, export, and delete video of any department member. Administrative clerks are assigned to the custodian level.
 - d. WG User – can view and export video assigned to that member. Members of the rank of Trooper and Corporal are assigned to the user level.
4. When an arrest has been made, a search is performed, an incident involving use of force occurs, a noteworthy event transpires, or the storage reaches capacity, the corresponding video shall be transferred from the MVR to the Watchguard Evidence Library computer workstation for storage as soon as practicable.
- a. Digital video files will be transferred from the MVR to the Watchguard Evidence Library via a USB transfer device. The USB transfer device pairs with a specific Watchguard camera system and is not compatible with Watchguard camera systems in other department vehicles.
5. During the mandatory retention period, all digital video files shall be stored and retained within the Watchguard Evidence Library.
6. In cases where a copy of the digital video file is needed for court or department purposes, the digital video file will be burned onto a DVD. The DVD will be labeled with the following information:
- a. Date and times covered by the digital video file.
 - b. Any applicable Spillman law incident numbers.
 - c. Officer's VIBRS name.
7. If a member is using another member's assigned cruiser equipped with MVR, the member temporarily using the cruiser shall log into the MVR. By logging into the system, it will denote that particular member as the active user.

3.2 Processing Room/Interview Room Recordings

- A. Members shall utilize recording equipment at a field station to capture extended interactions with individuals in police custody (i.e. processing of suspected DUI).
- B. The “cabin” and wireless microphone in the processing/interview room will be put in “mute” mode when defendants are consulting with their attorney either on the phone or in person.
- C. Any custodial interview of individuals concerning the investigation of a homicide (Chapter 53 of Title 13) or sexual assault (Chapter 72 of Title 13) shall be electronically recorded in its entirety. Members shall capture in the video both the interrogator(s) and the person being interrogated. See [VSP-DIR-501](#) for additional details.
 - 1. “Electronic recording” is defined in 13 V.S.A. § 5585 as “an audio and visual recording that is an authentic, accurate, unaltered record of a custodial interrogation, or if law enforcement does not have the current capacity to create a visual recording, an audio recording of the interrogation.”
- D. DVD or videotapes containing recordings of the processing or interview rooms shall be labeled in the following manner:
 - 1. Date and time of the recording.
 - 2. Case number.
 - 3. Name of the investigating member.
- E. All processing room/interview room recordings shall be stored in the same method as audio recordings from digital recorders. See [VSP-DIR-334](#) for additional information.

3.3 Body Worn Cameras (BWC)

- A. Members using BWC equipment shall record both video and audio in the following situations including, but not limited to:
 - 1. All citizen contacts of a law enforcement nature.
 - 2. Major motor vehicle and criminal enforcement stops.
 - 3. Police pursuits.

4. In progress motor vehicle or criminal statute violations.
 5. Traffic collisions involving department vehicles and/or collisions resulting in injury or death.
 6. Any situations where the member, because of experience or training, determines that the incident should be documented.
 7. All searches.
 8. Any incident in which a member may need to deploy force as defined within VSP-DIR-701.
 9. Special Team Assignments
 - a. The expectation is that all activity will be captured by the BWC when a member is operationally deployed during special team activations.
 - b. Operationally deployed means any assignment at or within the outermost containment perimeter of the incident. Assignment at a staging area, command post, or other location beyond the outermost containment perimeter, shall not be considered operationally deployed and are an exception to the BWC recording requirement.
 - c. Members not operationally deployed, shall not be required to have their BWC actively recording.
 - d. Members will ensure BWCs are actively recording during any movement necessitated by a change of assignment which occurs during a special team activation. Should the change of assignment result in the member no longer being operationally deployed, the member may cease active recording of the BWC upon arrival at the newly assigned location.
 - e. Members shall be cognizant events at such incidents may rapidly evolve. Members not operationally deployed shall make reasonable efforts, when possible, to activate BWC recording should circumstances necessitate swift change in deployment status.
- B. After an audiovisual recording has been initiated, if a member finds it necessary to pause or stop the recording prior to the conclusion of the event, the member shall document the reason for the termination or suspension of the recording.

- C. When possible, members should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, members shall obtain recorded verbal consent to continue utilizing the BWC. Individuals may decline to be recorded.
- D. If the recording is being made pursuant to an arrest, search of a residence or individual(s) or exigent circumstances exist, recording shall continue or be re-engaged regardless of whether original consent was denied. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area where recording is restricted by this policy.
- E. Civilians shall not be allowed to review the recordings at the scene. They may request to inspect or be provided a copy of the recording under the Vermont Public Records Act.
- F. Assignment of BWC Equipment
 - 1. BWC equipment will be distributed to members as determined by the department. Members who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
 - a. The Director, or designee, may authorize deployment of BWC equipment to members for use only in specific assignments. In such instances, the member will only be expected to utilize BWC equipment while performing the identified assignment.
- G. Storage of BWC Digital Video Files
 - 1. For the purpose of this document, the term “file” refers to all audio, images, and associated metadata.
 - 2. When an arrest has been made, a search is performed, an incident involving use of force occurs, a noteworthy event transpires, or the storage reaches capacity, the corresponding files shall be transferred from the BWC to the Watchguard Evidence Library for storage as soon as practical. Each file shall contain information related to the date, BWC identifier, assigned member, and event category.
 - 3. During the mandatory retention period, all digital video files shall be stored and retained within the Watchguard Evidence Library.

4. In cases where a copy of the digital video file is needed for court or department purposes, the digital video file will be burned onto a DVD. The DVD will be labeled with the following information:
 - a. Date and times covered by the digital video file.
 - b. Any applicable Spillman law incident numbers.
 - c. Officer's VIBRS name.

3.4 Duplication of Tapes/DVDs

- A. Duplicate DVDs shall ONLY be made onto DVD-R, DVDs.
- B. Digital video files from the Watchguard Evidence Library may be copied onto DVD-R, DVD+R, or DVD+RW DVDs.
- C. A duplication fee may be assessed as provided in 20 V.S.A. § 1815. No fee shall be charged to a defendant whom the court has determined is unable to pay. The Department will provide the blank DVD.
- D. The duplicate DVD will contain only scenes from a specifically requested incident.
- E. The duplicate DVD shall be labeled with a Vermont State Police label containing the date of the duplication and a statement prohibiting further duplication or distribution of the DVD without the express written consent of the Director or designee (downloadable forms - MVR Label Form).

4.0 Operation

4.1 Responsibilities of Operators

- A. Members shall only use audiovisual recording equipment, DVDs, and USB drives issued/authorized by the department.
- B. Members shall be responsible for operation, care and maintenance of assigned audiovisual recording equipment. Maintenance shall be performed in accordance with manufacturer recommendations.
- C. Prior to each shift, or in the case of deployment for a specific assignment, such

an occurrence; members shall determine that audiovisual recording equipment is working satisfactorily and complete a standard pre-operational system check and inspection. The completion of the pre-operational check shall be recorded by the member on the video recording at the start of the shift, and as necessary during the course of the shift (i.e. if maintenance is required, completion of such maintenance should be noted). This pre-operational test will have the "TEST OF SYSTEM" event tag applied.

- D. A shift supervisor will be notified, as soon as possible, if any problems are discovered with the operation of the equipment. The member identifying the equipment problem will submit a ticket to the Help Desk as soon as practical.
- E. The wireless audio microphone will be activated during all video recordings.
- F. When utilizing MVR equipment, at the conclusion of each incident, the member shall press "stop," and will be asked to answer five (5) questions. These are:
 - 1. Event Category (choose one)
 - a. MV STOP
 - b. TEST OF SYSTEM
 - c. CRASH PD 3200
 - d. CRASH PI 3100
 - e. CRASH F 3000
 - f. DUI
 - g. ARREST
 - h. DRUG INVOLVEMENT
 - i. MAST OR THAZ
 - j. DOMV OR FAMILY DIST
 - k. CASE FOLLOW UP
 - l. 911 CALL
 - m. ALARM
 - n. OTHER
 - 2. Search
 - a. NO
 - b. YES
 - 3. Use of Force
 - a. NO
 - b. YES

4. Pursuit
 - a. NO
 - b. YES

5. Case #

NOTE: The MVR will not stop recording until the above questions are answered. Event tags are required.

- G. When utilizing a BWC, at the conclusion of each incident, the member shall press "stop," and will be asked to answer the following question:

1. Event Category (choose one):
 - a. SPECIAL TEAM ACTIVATION
 - b. TEST OF SYSTEM
 - c. OTHER
2. Questions related to searches, use of force, pursuit, and case number can only be answered within the Watchguard Evidence Library at the time of file transfer. The member shall ensure proper tagging of any audiovisual captured by a BWC documenting a search, use of force, or pursuit.

- H. The use of audiovisual equipment shall be noted in the appropriate incident report. audiovisual recordings are not a substitute for written reports.

- I. Should a member become involved in an incident where the MVR USB device becomes full prior to transferring video and the message appears on the system that the USB device is full, the member shall follow the procedures for transferring the existing video on the USB device as well as any overflow video stored on the MVR internal hard drive that would not fit on the USB device to the station Watchguard Evidence Library computer workstation.

- J. Record After the Fact (RATF) Function

1. The RATF function allows a user to access passive video stored on the MVR/BWC hard drive not normally a designated recorded event.
2. Members with a legitimate law enforcement purpose may access passive video on the MVR hard drive and convert it into a designated event by using the RATF function. For instances where the passive video is captured on a BWC, this can be accomplished via the Watchguard Evidence Library when the BWC is docked in the cradle and active.

3. All other access to passive video on the MVR/BWC hard drive will be at the direction of the Director or designee. When requesting hard drive passive video, the request should contain a specific date and time range for the incident. After approval has been received, a member with either WG Supervisory or WG Administrator access rights may download the video.

K. Restrictions on Use of BWC Equipment

1. BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:
 - a. Communications with other police personnel outside of ongoing field operations, without the permission of the Director;
 - b. Encounters with undercover members or confidential informants;
 - c. When on break or otherwise engaged in personal activities; or In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

L. Refer to the Electronic Monitoring – Body Wires section of the Vermont State Police Search and Seizure Manual for lawful use of the recording device in a residence.

M. Changes to the MVR configurations are not permitted without the approval of the Staff Operations Commander.

N. Members are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

4.2 Responsibilities of Supervisors

- A. Upon notification of equipment malfunction, supervisors shall ensure a Help Desk ticket is submitted and procure a replacement unit if possible. In the case of a special team deployment, any inoperable BWCs shall be noted in the Team Commander's summary report.
- B. Supervisors shall ensure that Troopers who utilize audiovisual recording equipment comply with established policies, procedures and guidelines.
- C. Supervisors will randomly review videos produced by Troopers from both

MVR and BWC recording systems (at least 1 event per Trooper per quarter) for the purpose of ensuring compliance with established policies, verifying the equipment is functioning properly, to identify any areas in which additional training or guidance is required and to identify material that would be appropriate for training. The supervisor's review shall be documented on each Trooper's quarterly review.

- D. The Station Commander, or designee, shall be responsible for the maintenance of the local station DVD files, video storage repository, and the computer workstation housing the Watchguard Evidence Library.

Effective October 15, 1999

Revised January 1, 2001

Revised May 25, 2010

Revised April 25, 2015

Revised December 20, 2017

Revised October 26, 2018 (VSP-DIR-348 merged with VSP-DIR-417)

Revised January 3, 2020

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