
**Report to
The House and Senate Committees on Appropriations**

**2021 No. 74, § E. 335.1
(H. 439)**

Body-Worn Cameras Deployment Status

Submitted to: House and Senate Committees on Appropriations

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Introduction

Act 74 of 2021 provided funds to the Department of Corrections (DOC, or the Department) for the purchase of body cameras, and instructed DOC that it “shall not deploy body-worn cameras until it adopts a policy on their use, including the storage and retention of records, and trains its staff in accordance with the policy.” Act 74 further required that the DOC shall consider the implications of implementing body-worn cameras (BWCs) on programming for incarcerated individuals and the collective bargaining agreement, as well as consult with specific stakeholder groups in developing its policy. In addition to a progress report on the policy development which was due to the Joint Legislative Justice Oversight Committee in mid-September, Act 74 required the Department to provide a report on the status of the BWC deployment to the House and Senate Committees on Appropriations by February 15, 2022. Sec. E.335.1. of Act 74 of 2021.

The DOC began working towards the policy development and operational aspects of necessary for the deployment of BWCs even before the legislation was enacted. This work has progressed through several stages.

Policy

The DOC has developed a policy that reflects best practices for BWC use in correctional facilities, which was refined through consultation with community stakeholders. The process used to create the policy is outlined below.

Research

The policy development process began with a significant amount of research, as correctional use of BWCs is a relatively new practice. Staff reviewed policies from other jurisdictions, model policies, background papers, policy recommendation and writing guides, and articles, and federally-provided resources, including:

- Vermont Criminal Justice Council’s Law Enforcement Advisory Board’s model policy;
- International Association of Chiefs of Police’s model policy and concepts and issues paper;
- Pennsylvania Commission on Crime and Delinquency’s policy recommendations;
- Model policy from the American Civil Liberties Union (ACLU) of Massachusetts for police departments and municipalities;
- BWC Toolkit from the federal Bureau of Justice Assistance (BJA);

- US Department of Justice (DOJ), Office of Community Oriented Policing Services' publication, "Implementing a Body-Worn Camera Program Recommendations and Lessons Learned;"
- a webinar hosted by the DOJ, Office of Justice Programs (OJP), BJA's Body Worn Camera Training and Technical Assistance program on the use of BWCs in correctional settings;
- National Institute of Justice (NIJ) Research on BWC and Law Enforcement and Body Cameras Technology in Corrections;
- "Cameras in Corrections: Exploring the Views of Correctional Officers on the Introduction of Body-Worn Cameras in Prisons," a study by Shannon Dodd, Emma Antrobus, and Michelle Sydes, and Published in Sage Journals;
- Labor Relations Information System's model policy;
- Power DMS body-worn cameras in correction policy-writing articles;
- Labor Relations Information System's (LIRS') model body-camera policy;
- Getac Video Solutions' article, "The Three 'P's' of Body-Worn Camera Policy;"
- EBP Society's report, "Body-Worn Cameras in State Correctional Agencies;"
- Corrections1.com's article, "How to Develop and Fund a Body-Worn Camera Program for Corrections;" and
- MPR News' article, "Body Cameras Inside Jails Raise Security and Privacy Questions."

Policy Drafting

The draft policy prepared by the DOC was based on the draft Vermont State Police Body Camera Statewide Policy and the Maine Department of Corrections' policy. A review of that draft was then conducted, comparing it to the ACLU of Massachusetts' model policy. The draft included:

- standards for BWCs, including staff conduct;
- procedures for daily use of BWCs;
- standards for the downloading, tagging, storage, access, review, and retention of recordings;
- procedures for when BWCs capture:
 - uses of force resulting in death or seriously bodily injury; and
 - recordings relevant to a criminal investigation into staff conduct; and
- training requirements.

The policy draft incorporated a trauma-informed and gender-responsive approach to the use of BWCs, and was reviewed by legal and line staff, as well as subject matter experts.

Public Input

The draft was shared with stakeholders, and a meeting was held on December 29, 2021, to discuss the draft and consult with community members. Community members in attendance were:

- Tom Dalton, of Vermonters for Criminal Justice Reform (VCJR);
- John Berard, of the Vermont Department of Human Resources (DHR), Labor Relations Division;
- Anthony Giordano, a DOC employee and Vermont State Employee's Association (VSEA) Unit Chair;
- Tim Burgess, of Vermont Citizens United for the Rehabilitation of Errants (VT CURE); and
- Rubin Jennings, of the Vermont Office of the Defender General, Prisoners' Rights Office (PRO).

Representatives from the following organizations were also invited to participate in the meeting, but were unable to attend:

- Vermont Criminal Justice Council (VCJC);
- American Civil Liberties Union (ACLU) of Vermont;
- Human Rights Commission; and
- Women's Justice and Freedom Initiative.

The conversation centered around the logistics of BWC use, the retention schedule for BWC recordings, Brady Rule concerns, access to BWC recordings, and the specific language used in the draft to refer to staff and address concerns related to trauma. Following the meeting, the DOC revised the draft based on the conversations and further review.

The draft was then shared with the House Committee on Corrections and Institutions, the Senate Committee on Judiciary, and the House and Senate Committees on Government Operations. In addition, a meeting was held with the Union Labor Management Team, in which they discussed the latest version of the draft.

Purchase of BWCs and Operational Preparations

The DOC has been working to secure a vendor for BWCs, and planning for their deployment operationally.

Research

DOC first researched the various BWCs available on the market and reviewed their capabilities, functionality, and pricing. In total, the DOC evaluated nine possible BWC suppliers. Staff compared the functionality offered by each, as well as the 5-year cost, to narrow the field and identify the best options for DOC. Five of the vendors were then asked to give a presentation of their BWCs to DOC.

DOC was informed by the Agency of Digital Services (ADS) in October of 2021 that it would be expected to utilize the statewide contract that was in place for the Motorola WatchGuard camera system currently being used by the Vermont State Police (VSP). After viewing a demonstration of the WatchGuard system, the DOC determined that the functionality of those cameras would not be sufficient in a correctional facility environment.

DOC Concerns about the Motorola/WatchGuard BWCs

The biggest concern with the Motorola BWCs is that they were designed for law enforcement, not correctional, purposes, and as such, can not adequately meet the needs of DOC. For example, unlike law enforcement agencies, DOC would not individually assign cameras to each security staff member who will be using them. Instead, BWCs will be shared among staff, which will minimize cost, given the Department's need to have BWCs in operation all day, every day. This means each camera would have to be assigned to the staff member using it at the beginning of each shift. This programming would take a significant amount of time with the Motorola system, and create numerous logistical issues at shift-change.

The cost of the Motorola battery charging stations is also high, and would require the purchase of expensive docking and uploading stations. If the battery life is similar to that of the Motorola hand held radios currently used within correctional facilities, they will require frequent replacement.

The Motorola system would limit DOC's ability to tag BWC recordings directly from the cameras. This means staff would be required to work beyond their scheduled shift to complete the tagging process, incurring overtime and adding to already-long shifts.

Another concern related to the length of staff shifts is that the Motorola BWCs would only record for 10 continuous hours in high resolution (1080P). Even using its lowest resolution (480P), the camera would only record for 14 hours. Due to the current staffing crises, DOC staff are currently working 12-16 hour shifts, meaning they would have to change and reassign cameras mid-shift.

The Motorola cloud storage option would also include a maximum of 10-year storage. DOC would have to find an alternative for any recordings which would need to be retained for a longer period.

Other concerns resulting from Motorola's focus on law enforcement is that the cameras were designed to be worn with body armor, and may not work well for DOC staff, who do not typically wear such armor. The cameras also do not have all the functionality DOC was planning to use, such as the ability to mute certain conversations during recording when there are privacy or security concerns.

IT Activity, Business Case, and Cost Analysis Process

In light of the above concerns, DOC requested permission to issue a request for proposals (RFP) for BWCs. The ADS is now conducting an IT Activity, Business Case, and Cost Analysis Process (ABC) to determine if DOC may do so. This process is pending a demonstration from another BWC vendor, currently scheduled for February 17, 2022, which will provide information about the capabilities of other available BWC systems.

Training

The DOC has created plans for training security staff in the use of the BWCs. This plan will be integrated with the training for new staff, who will wear BWCs throughout their time at the Corrections Academy, and include a separate training module for all existing security staff. The specifics of the training will be dependent on the make and model of the BWCs DOC deploys.

Conclusion

The DOC has been diligently working towards the deployment of BWCs since Spring 2021, and has developed a policy, engaged community stakeholders, and investigated the use of several different BWCs. Until the Department receives clear direction on the purchase of the BWCs, however, the policy, budget, and training cannot be finalized.