



STATE OF VERMONT
Capitol Police Department
Chief of Police Matthew S. Romei

Memorandum

To: Senator Becca Balint
Chair, JLMC

From: Chief Matthew Romei
Capitol Police

Re: Body Worn Camera Policy

Date: 23 April 2021

Included with this memorandum are two documents. One is Version 2 of a Body Worn Camera Policy for consideration by the JLMC. To construct the pathway that has led us here, I've included some dates and language.

In 2016, the Law Enforcement Advisory Board adopted a Model Body Camera Policy at the direction of the General Assembly. This will be referred to as the "2016 Policy."

In the FY'21 Budget, the Sergeant at Arms Office was appropriated funding for Body Worn Cameras for the Capitol Police, with the following restrictive language:

Sec. E.128 BODY CAMERAS

(a) On or before January 15, 2021, the Sergeant at Arms shall present a draft policy regarding the use of body cameras by Capitol Police to the Joint Legislative Management Committee. The Capitol Police shall not use body cameras until the Joint Legislative Management Committee reviews and adopts a final body camera policy on or before April 1, 2021.

(b) The funds appropriated to the Sergeant at Arms in Sec. B.128 of this act shall not become available to purchase body cameras until the policy described in subsection (a) of this section is adopted.

Also in 2020, the General Assembly passed Act 166, which read, in part:

Sec. 13. 20 V.S.A. § 2369 is added to read:

§ 2369. STATEWIDE POLICY; REQUIRED USE OF BODY CAMERA POLICY

(a)(1) On and after January 1, 2022, each law enforcement agency that authorizes its law enforcement officers to use body cameras shall adopt, follow, and enforce a model body camera policy established by the Council, and each law enforcement officer who uses a body camera shall comply with the provisions of that policy.

(2) Until the date set forth in subdivision (1) of this subsection, each law enforcement agency that authorizes its law enforcement officers to use body cameras shall adopt, follow, and enforce the Model Body Worn Camera (BWC) Policy established by the Law Enforcement Advisory Board pursuant to 2016 Acts and Resolves No. 163, and each law enforcement officer who uses a body camera shall comply with the provisions of that policy.

The draft policy supplied to the JLMC in January 2021 was substantially consistent with the 2016 LEAB Model Policy, which, according to Act 166 should govern until the Criminal Justice Council passes the updated policy, which will go into effect in by January 1, 2022.

I have attached Version 2 of the draft policy, which strips all of the “Supplemental” items out and returns to the core 2016 LEAB policy, with mostly grammar and substitution changes, e.g. replacing “Chief Executive Officer” with “Chief of Police”.

The substantive change in the policy is in the Records Retention Section and dealing with the State Archivist relationship with the Legislative Branch. In lieu of submitting a retention schedule for approval, I inserted a retention schedule “borrowed” from another agency.