



Body Camera Policy Overview



FY'21 Budget 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.



2020 Act 166

- 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.



Draft Policy

- Substantially consistent with 2016 and 2021 LEAB Policies
- Objectives of BWC Usage
- Procedures
 - All officers must use them.
 - Specific exemptions listed.
 - Outlines pre-shift inspection
 - Outlines Deletion protocol
 - Limits officer review in serious cases
 - Substitutes “Legislative Record Retention Laws” for State Archivist



Draft Policy

- Permitted and Prohibited Uses
 - Added a specification for “calls for Law Enforcement service”
 - Exception for lawful picketing or First Amendment demonstrations.
 - Pre-incident “Buffer” line added.
- Officer Responsibilities



Recordings Storage and Documentation

(Entire item deleted and replaced by next slide)

- An agency may delete BWC recordings only if it has a record retention schedule approved by the State Archivist or the deletion is already authorized by law.



Recordings Storage and Documentation

(Entire item added in place of previous slide)

- When BWC video is recorded officers must add the video file(s) to a minimum of one of the following established categories to maintain for proper retention periods. The Chief of Police, in conjunction with the Sergeant at Arms, and with the advice of the Office of Legislative Counsel may update these retention periods to meet best practice standards, without requiring a full review of the policy.
- Category Type/Retention Period
 - Calls for Service / Non-event 90 Days
 - Traffic Stops 3 years
 - Arrest/Incapacitated Persons Lodged 7years
 - Investigations 1 year
 - DUI related incidents 7years
 - Use of force incidents Indefinite/manual deletion
 - Major Incidents Indefinite/manual deletion



Draft Policy

- All BWC recordings are subject to open records request as allowed by Vermont law.
 - Recordings that are the subject of a denied open records request must be maintained until the dispute between the department and the person or entity requesting the recordings is resolved.
 - Recordings may be redacted in accordance with Vermont law, and will be shortened to include only the event inquired about.



Personnel Performance and BWCs

(Entire section added)

1. BWC recordings shall not be audited to monitor officer or personnel performance without cause.
2. While every effort is made to avoid errors the BWC recordings will assist in coaching for improved performance if errors are recorded. They are not intended to levy more substantial discipline to employees than the same conduct, unrecorded would subject them to. The existence of the recording does not exacerbate or aggravate the conduct. It only presents a clear account of it. It is directly acknowledged as we deploy BWCs broadly that staff regularly encounter stressful situations in a fast paced and often unpredictable street-level operating environment and staff will sometimes misstep, make mistakes or use foul language.



Personnel Performance and BWCs

(Entire section added)

3. It is acknowledged by The Capitol Police Department (and by the Courts) that equipment of all kinds is sometimes subject to failure. In the event of an equipment failure or if an officer forgets to activate the BWC the circumstances and details will be documented in a report and the on-duty officer in charge will be made aware as soon as practical. Repeated failures or errors in this regard by a single employee could be the cause for further training or inquiry. A single instance of failure to activate a device could result in discipline if it is determined that the action was taken deliberately to cover up improper action by the officer or officers.



Personnel Performance and BWCs

(Entire section added)

4. An officer will have access to their BWC footage prior to making statements or writing reports related to the execution of their duties as police officers. If an officer is suspected of criminal conduct or serious misconduct, **or the officer is the subject of a criminal investigation**, The Capitol Police Department reserves the right to control the officer's access to video file consistent with the officer's legal rights.



Draft Policy

- Exemptions from Disclosure under the Public Records Act





Conducted Energy Weapons



Conducted Energy Weapons

- Standard issue for most Law Enforcement Agencies.
- Part of a system of less-lethal interventions.
- Part of the Capitol Police Policies for several years.
- CEW Parts of the Response to Resistance Policy were removed and placed in a separate policy this year.
- Used in 7 of 8 State Houses surveyed by NCSL for us in May, 2019.
- Over 1,000,000 Taser Brand CEWs deployed in 107 countries



Vermont Agencies currently using CEWs

- Barre City Police Department - VT
- Barre Town Police Dept. - VT
- Bellows Falls Police Dept. - VT
- Berlin Police Dept. - VT
- Brandon Police Department - VT
- Brattleboro Police Dept. - VT
- Bristol Police Dept. - VT
- Burlington Police Dept. - VT
- Caledonia County Sheriff's Office - VT
- Castleton Police Dept. - VT
- Chester Police Department - VT
- Chittenden County Sheriff's Office - VT
- DOVER POLICE DEPT. - VT
- ESSEX COUNTY SHERIFF'S DEPT. - VT
- Essex Police Department - VT
- Fair Haven Police Department - VT
- Grand Isle County Sheriff -VT
- Hardwick-Greensboro Police Dept. - VT
- HINESBURG COMMUNITY POLICE
- Hinesburg Police Dept - VT
- Lamoille County Sheriff's Office - VT
- Ludlow Police Dept. - VT
- Manchester Police Department - VT
- Middlebury Police Department - VT
- Milton Police Dept. - VT
- Morristown Police Dept. - VT
- Newport Police Dept. - VT
- Northfield Police Dept. - VT
- Orange County Sheriff's Dept. - VT
- Orleans County Sheriff's Office - VT
- Randolph Police Department - VT
- Rutland City Police Dept. - VT
- Saint Albans Police Department - VT
- Shelburne Police Dept. - VT
- South Burlington Police Dept. - VT
- Springfield Police Dept-VT
- St. Johnsbury Police Dept. - VT
- STOWE POLICE DEPT. - VT
- SWANTON POLICE DEPT. - VT
- Thetford Police Dept - VT
- University of Vermont Police Dept. - VT
- VERGENNES POLICE DEPT - VT
- Vermont State Police - VT
- WILLISTON POLICE DEPT.-VT
- WINDSOR COUNTY SHERIFF'S DEPT. - VT
- Winooski Police Department -VT

*List provided by Axon, and some agencies are missing



Conducted Energy Weapons

- Over 7.5 Million uses on Humans
 - Field Use/Suspect Applications: 4,587,000 \pm 2%
 - Training/Voluntary Applications: 2,917,638 \pm 7%
- Used 89 times in Vermont in 2020
- Tasers are the most studied less-lethal intervention.
 - Over 880 Safety Studies, abstracts, reports and letters.
- Wake Forest University/DOJ Multi-Site Study (2018)
 - CEW Use was the modality least likely to result in significant injury.
 - More than 500 uses resulting in no significant injuries.



Conducted Energy Weapons

- 2019 Study published in Human Factors and Mechanical Engineering for Defense and Safety.
 - Reviewed 3.9 million field uses in 107 countries
 - 65% **Reduction** in subject injuries vs. batons, hands-on and chemical weapons
 - 2/3 **Reduction** in fatal shootings
 - USA Data showed a **reduction** in “Temporal Fatalities” from 1≈1000 to 1 ≈ 3000.
 - UK Data showed an 85% compliance rate simply from the threat of a CEW.
 - 26 deaths – all from falls and fume ignition.



Why Here?

- Officers receive training annually in de-escalation and conflict resolution.
 - The effects are evident in their performance.
 - De-escalation requires the participation of both parties.
- Less than 1 in 1100 calls for service and less than 1 in 120 criminal arrests result in *any* use of force.*
- Officers should have the full slate of options with which to respond.
- CEWs are often the best choice in less-lethal situation.
 - Provide Stand-off.
 - Significant compliance just from display or threat of use.



Why Here....and how?

- CEWs are significantly safer to deploy in an environment such as ours.
- CEWs are officer-carried, as opposed to office-deployed.
- Most CPD Officers have trained and used CEWs before.

- Officers will start from scratch and receive the full, comprehensive training program – both manufacturer and state-required.
 - We have arranged for free training through a neighboring agency.
- State-mandated CEW Policy is already in place.
- Intrinsic accountability exceeds any other weapon system in place.
- Integrated with Body Cameras.