



Body Worn Cameras (BWC)	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statute: 1 V.S.A. §317	
Date Adopted: May 24, 2021	Review Date:

I. **Purpose:** This policy directs Officers and supervisors of the Bennington Police Department (BPD) in the proper use and maintenance of **Body Worn Cameras (BWC)** and the Recordings created. This policy directs how video will be utilized to accomplish the following objectives:

- A) To enhance everyone's safety
- B) To document statements and events as they occur
- C) To document crime or incident scenes
- D) To enhance an Officer's ability to document and review statements and actions for reporting and criminal prosecution
- E) To preserve visual and audio information for use in current and future investigations
- F) To serve as a tool for Officer training and supervision
- G) To enhance public trust and increase departmental transparency
- H) To enhance investigations into citizen's complaints or other allegations of police misconduct.

II. **Policy:** The BPD shall equip Officers with Body Worn Cameras to provide more accurate documentation of law enforcement and citizen interaction, to assist in officer evaluation and training, and to collect evidence to be used in criminal prosecutions. The BPD shall develop procedures that will instruct officers when

cameras must be utilized and when they must be turned off in order to protect the privacy of citizens.

Recordings obtained for the purposes stated above shall be maintained in accordance with procedures developed by the BPD and shall comply with all the relevant laws of the State of Vermont.

The release of BWC recordings to the public shall be in compliance with other policies of the Town of Bennington, as well as relevant State and Federal Law. (See: 1 V.S.A. § 317, and 5 U.S.C. § 592 (b)(7) [Freedom of Information Act])

III. **Definitions:**

A. Body Worn Camera (BWC): An electronic device capable of capturing audio and visual recordings, and worn on a person's body.

B. Recordings: Refers to electronic audio and video files created by BWCs.

This Policy is adopted by the Select Board of the Town of Bennington, Vermont, this ___ day of _____, 2021 and is effective as of this date until amended or repealed.

Jeannie Jenkins, Chairperson

IV. **PROCEDURES**

Content:

- V. Definitions
- VI. Philosophy Regarding Use of Body Worn Cameras (BWC)
- VII. Requirements and Restrictions for Activation/Deactivation of BWC
- VIII. Criminal and Administrative Use of BWC Data
- IX. Data Storage and Retention Requirements
- X. Equipment Maintenance and Inspection Procedures
- XI. Training Requirements for Users and Supervisors
- XII. Review of BWC Data
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V. **Definitions:** Vista WatchGuard BWC 4RE
WatchGuard Cruiser Camera full integrated system. Syncing WatchGuard BWC with 4RE

VISTA WIFI body worn camera mounts on the officer's body. It has simple controls which allows police officers to capture high quality video evidence alone or as part of an integrated in-car system (4RE).

Full Integrated System: One or more VISTA WIFI body-worn cameras and a 4RE HD Panoramic in-car video system can work together seamlessly as a single system, capturing synchronized videos.

VI. **Philosophy Regarding Use of Vista Body Worn Cameras (BWC)**

The Bennington Police Department provides officers with Vista Body Worn Cameras (BWC) to aid in the delivery of effective and quality law enforcement services to the community.

- A. BWC allow for accurate documentation of police-citizen contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
- B. Audio and Video recordings also enhance the Department's ability to review probable cause for arrests, officer-suspect interactions, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluations and training.
- C. BWCs can also aid in documenting crime scenes, crash scenes, or other incidents that include the confiscation/collection and documentation of evidence or contraband.

VII. **Requirements and Restrictions for Activation/Deactivation of BWC**

All uniformed officers assigned to the Patrol Division shall activate their BWC during calls for service, during all enforcement related activities and investigative actions, to include but not necessarily limited to traffic stops, arrests, searches, interrogations, and pursuits, or during any encounter that becomes adversarial. BWC should be activated as soon as possible in this situation. Personnel assigned to the Bureau of Criminal Investigation/Plan clothes are not required to wear BWC.

- A. While activating the BWC is a requirement beyond public outreach and casual conversation, there are some instances where activation of the camera may be impossible, impractical, or unsafe, such as:
 - ∞ **Example:** An officer initiates a traffic stop and is in the process of calling out vehicle information and location when the vehicle slams on its brakes, and the operator and/or occupants exit the vehicle on foot. There are many other things that have to be completed for officer safety.

B. Once activated, the BWC should remain in recording mode until the conclusion of the incident/encounter, the officer has left the scene, or a supervisor has authorized that a recording may cease.

C. Residences have a higher expectation of privacy, therefore, whenever possible officers should inform individuals that they are being recorded. Officers are not required to inform individuals that they are recording inside the residence if it is unsafe, impractical, or impossible based on the circumstances.

The BWC will remain activated until the conclusion of the event to ensure the integrity of the recording. Should an individual decline recording inside the residence, officers should ask the individual to step outside and continue speaking with them. If the incident requires the officer to remain in the residence and the residents wish to cease the recording, the officer(s) will comply. Officers should ask for another available officer to respond and be present.

- ∞ If a recording should fail or be interrupted during an incident, the officer should make note of the deficiency in their report as well as notify their immediate supervisor and the person in charge of maintenance of the BWC.
- ∞ If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated in their report.

D. Personal use of BWC equipment while on break, on or off duty is prohibited.

E. It is recognized that recording casual conversations and encounters with the public may hinder open dialogue with the public, therefore, officers should refrain from that practice without reason, such as dealing with a subject that has previously been adversarial.

F. Prohibited recordings include:

- ∞ Conversations with confidential informants and undercover police officers;
 - ∞ Places where a reasonable expectation of privacy exists, such as locker and restrooms;
 - ∞ Strip Searches;
 - ∞ Conversations with other law enforcement personnel that involve case tactics or strategy;

 - ∞ Officers are prohibited from recording other agency personnel during routine, non-enforcement activities.
- G. Officers may briefly stop recording to confer with a co-worker or supervisor while on scene. When doing so, they should note such on the recording and in their report.
- H. During tactical operations, BWCs will be used at the discretion of the Special Response Team Commander in order to prevent disclosure of certain tactics, techniques, or procedures.
- I. Only the issued WatchGuard BWC is authorized for use. No personal or privately owned systems are allowed. (BCI excluded).
- J. Recordings will only be viewed on secure agency computers.
- K. While on patrol, officers will keep their BWCs in standby mode.
- L. Officers will dock their BWC with the 4RE system (cruisers) to sync them at the beginning of their shift.

VIII. **Criminal and Administrative Use of BWC Data**

A. Every recorded incident will be downloaded when BWC is placed in transfer station with the appropriate retention category. Officers shall promptly categorize all video evidence. The categories include but are not limited to:

- **None**
- **Warning**
- **Domestic**
- **Citation**
- **Arrest**
- **Injury**

- Interview
- Drug
- Test

B. Any video file can be “*flagged*” to prevent deletion regardless of the category.

C. Officers should label the event and use incident number with associated 4RE recoding. This allows supervisors and the Records Clerk to search for and review incidents easier. It also allows the Records Clerk to burn the video footage to CD or DVD format for discovery purposes. Officer is able to modify event heading in Evidence Library.

D. The Case Officer is responsible for accurately stating which video files exist on the evidence/discovery checklist and is expected to confer with all other Officers involved in the case.

IX. Data Storage and Retention Requirements

A. Evidence will be downloaded to the transfer station at the end of each shift in which the BWC is used.

B. Officers are responsible for downloading their own data which is automatically done when docked to transfer station.

C. If an Officer is involved in an Officer Involved Shooting (OIS), in-custody death, or other incident involving the officer that results in a person’s serious bodily injury or death, the on-scene supervisor will immediately take physical custody of the BWC and will be responsible for the data download.

D. The above incident categories will dictate the length of time that BWC footage is stored in the server.

Watchguard Event Category Name and Retention Periods

Traffic Warning	30 Days	D.U.I.	90 Days
Traffic Citation	120 Days	Evading	90 Days
Motorist Assist	30 Days	Traffic Accident	90 Days
Suspicious Vehicle/Behavior	30 Days	Assault	90 Days

Test Recording	10 Days	Domestic	90 Days
Citizen Assist	120 Days	Drug Charge/Seizure	90 Days

X. **Equipment Maintenance and Inspection Procedures**

A. **Cleaning the WatchGuard Body Camera**

- ∞ Use a soft, damp cloth to clean the surface of the WATCHGUARD BWC.
- ∞ **DO NOT** use harsh cleaners or solvents.
- ∞ DO NOT immerse the BWC in water or cleaning solutions.
- ∞ If the camera lens is dirty, use a lens blower brush to clean, then wipe with a soft cloth.
- ∞ **DO NOT** use Windex® or other similar type cleaners on the camera lens.
- ∞ **DO NOT** place the lens under running water or apply jets of water to the camera lens.

B. **Charging the Battery**

- ∞ A full charge should provide enough power for approximately 8-10 hours of normal operation.
- ∞ Recharging after 12 hours of use may take 6 hours.
- ∞ Always recharge the BWC as soon as reasonably possible in the transfer station located in the Police Department.

C. **Inspecting the BWC**

- ∞ Standby mode steady green light (unless in covert mode).
- ∞ Officers shall inspect and test their BWC prior to each shift in detail in order to verify proper functioning and shall notify their supervisor immediately of any problems.

D. **Operation**

- ∞ Once in *STANDBY MODE*, the camera will be recording video, but will not record audio and it will not record to permanent memory.
- ∞ To record, tap the center button. The camera is now in *EVENT MODE*. Green and Red (unless in covert mode).
- ∞ The video will start 60 seconds prior to activation and the audio will

begin as soon as the camera has been activated.

- ∞ To stop recording, press the center button twice, the BWC will vibrate once to indicate that it has been turned off and has returned to standby mode.
- ∞ If the BWC is not working properly, the Officer must notify the BWC Administrator.

E. Charging the Battery

- ∞ When not worn, BWCs will only be stored in the transfer station. This allows battery charging, download of data, and for the device to receive software updates from the manufacturer.
- ∞ Loss or damage to a BWC will be reported to the on-duty supervisor immediately.

XI. Training Requirements for Users and Supervisors

Supervisors will ensure that officers are equipped with BWC devices during patrol and extra duty details and trained in how to utilize them in accordance with this procedure.

A. Officers issued BWCs will be trained by the BWC Administrator on:

- ∞ Wear and operation of equipment;
- ∞ Charging the BWC/Uploading Data;
- ∞ Policy and Evidence Library.

B. The BWC Administrator will hold the rank of Sergeant or above.

C. BWC Administrator responsibilities will include:

- ∞ Assign and Issue of BWCs to Officers;
- ∞ Maintenance of Evidence Library;
- ∞ Coordinate return of inoperable/damaged equipment to WatchGuard for repair/replacement;
- ∞ Redaction of video recordings when required;
- ∞ Maintain inventory by serial number.

XII. **Review of BWC Data**

- A. Random review of video shall be performed as a supervisory function:
- ∞ To investigate a complaint against an officer or regarding a specific incident;
 - ∞ To track performance of an officer still in their probationary period or in Field Training;
 - ∞ To review officers work performance; and
 - ∞ To identify videos for training purposes and for general instructional use.
- B. Supervisors will periodically review a sampling of BWC recordings of traffic stops and citizen contacts of personnel assigned to their shift to ensure that the equipment is operating properly, that officers are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance is required.
- C. Officers are allowed to review their videos prior to writing reports, affidavits, or providing statements for a more accurate documentation of events. An officer's recollection of the event could vary from the recorded event due to the stressfulness of the incident. Having a statement that differs from the evidence on the BWC can unjustly undermine the officer's credibility as well as damage the case.
- D. Officers are prohibited from accessing data for personal use.
- E. Officers are prohibited from uploading data to public or social websites.
- F. Limitations of video recording include the use of reference frames to populate missing cells of video in subsequent frames which can lead to inaccuracies of the video content. Therefore, in certain circumstances forensic video analysis may be warranted.
- G. Officers will only have access to their events in Evidence Library.
- H. Supervisors will have full access in Evidence Library.

XIII. **Dissemination of BWC Footage**

All images and sounds recorded by the BWC are the exclusive property of the Bennington Police Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

- ∞ Footage obtained by a BWC may not be released to the news media or general public without the written authorization of the Chief of Police or Lieutenant.
- ∞ The Chief of Police or Lieutenant may redact any Law Enforcement sensitive information to include, but not limited to criminal history records information, personal biographical information, juvenile's faces/names, undercover officers from any agency, criminal informants, public nudity or other sensitive images or information before being released to the press or general public.

The policies and procedures outlined above are hereby adopted by the Chief of Police of the Town of Bennington, Vermont this _____ day of _____, 2021 and is effective as of this date until amended or repealed.

Paul J. Doucette, Chief of Police