Purpose:

The purpose of this policy is to set forth guidelines for the use, management, storage, and retrieval of mobile in-car (MVR) and wearable video/audio (BWC) recording equipment and recordings. (41.3.8 a)

Policy:

UVM Police Services recognizes the value of video/audio recordings initiated by officers for the purpose of documenting criminal activity, increased accountability and transparency to the community, and officer and department training and development. All personnel assigned these devices are required to adhere to the procedures outlined in this policy. Any intentional misuse or abuse of the BWC and MVR units, or failure to follow the terms of this policy, will result in disciplinary action. (41.3.8 a)

Confidentiality:

All recording media, images, and audio are property of UVM Police Services and will not be copied, released, or disseminated in any form or manner outside the parameters of applicable law, this policy, and otherwise without the written
consent of the Chief/Director. Under no circumstances will any member of UVM Police make a personal copy of any recorded event without prior written permission of the Chief/Director. (41.3.8 c)

1. Operating Procedure

A. Officers must receive training on the use of MVR and BWC prior to use in the field, and shall be required to operate the MVR and BWC according to such department training, which shall be developed using best practices, including manufacturer’s recommendations. (41.3.8 f)

B. Personnel may only use those MVRs and BWCs issued or approved by the department. The wearing/use of personally owned recording devices is not authorized.

C. Officers must test the equipment to ensure that it is in good working order at the beginning of each shift, which necessarily includes that:

1. The MVR and BWC is properly positioned;
2. The BWC is fully charged;
3. The MVR and BWC have sufficient capacity to record during the shift; and
4. The MVR and BWC are otherwise fully functional.

Any problems must be promptly reported to the shift supervisor. Damaged equipment shall not be used in the field until repairs have been completed. (41.3.8 e)

D. Unless it is unsafe or impractical to do so, officers should activate the MVR and BWC prior to arriving on scene or making contact with involved parties for each citizen encounter related to a call for service, enforcement action, traffic stop, field interview, public encounters in which an incident or complaint may arise, and any other police action where the use of the MVR and BWC would not violate the reasonable expectation of privacy, as defined by the law, unless the officer is legally present and responding to an incident. (41.3.8 b)

E. Officers should use their professional judgment to determine whether it is reasonable to turn the MVR or BWC off, or alternately switching to audio only: (41.3.8 b)
1. In restrooms, locker rooms, or any other place that individuals have a heightened expectation of privacy;

2. During any conversation where sensitive or confidential information may be revealed and the individual involved has asked for privacy to be maintained (i.e. confidential informants, undercover law enforcement personnel, sexual assault victims, etc.);

3. When persons are nude or when sensitive human areas are exposed, unless activated in response to an incident;

4. Upon request of the individuals being recorded when the officer, in their professional judgment, determines that it is reasonable to comply with the individual’s request;

5. In situations where privacy concerns outweigh any legitimate law enforcement interests in recording.

F. BWCs and MVRs shall be used only in conjunction with official law enforcement duties, and may not be used to record personal activity. (41.3.8 b)

G. Officers with BWCs and MVRs are prohibited from intentionally recording conversations with department or University personnel while not on an official call for service without the permission of the Chief/Director. If an officer unintentionally creates a recording, the officer will advise the shift supervisor so the recording can be addressed. (41.3.8 b)

H. When feasible and without putting anyone in danger, officers should advise all persons present that the interaction is being recorded. When recording in an area where individuals have a reasonable expectation of privacy, the officer must notify the person that the officer is recording the interaction and such notification must be recorded. (41.3.8 b)

I. With respect to custodial interrogations, officers must obtain recorded consent prior to recording in accordance with Vermont law. (41.3.8 b)

J. In the event that the MVR and/or BWC are not turned on as required above, the officer must submit a written explanation of the reason for the non-activation of the camera system no later than the conclusion of the shift. (41.3.8 b)

K. Once activated as required by this policy, if an officer turns off an MVR or BWC camera prior to the conclusion of an incident, or
otherwise turn the device around so it only picks up audio, officers are required to document the reason for doing so by the conclusion of the shift. (41.3.8 b)

L. The existence of a video or audio recording should be documented on any VCVC or incident report, as applicable. (41.3.8 b)

II. **Control and Management of Recordings** (41.3.8 d)

A. Officers should upload all video evidence to Evidence.com and tag according to SOP and training.

B. Officers are required to place all audio files into the incident in the Records Management System (RMS).

C. It is the officer’s responsibility to make any necessary entries into the designated area of the RMS, indicating the existence of the file(s) and the name and location of those files if not attached to the incident.

D. When, according to Federal, State and University legal standards, the video or audio is no longer needed for evidentiary purposes, it shall be erased and destroyed in accordance with department procedures. Notification of this process will be made by the Evidence Custodian to the reporting officer and documented in the case.

E. Any data stored in Evidence.com and not attached to a case, identified for training or tagged for another reasonable purpose, shall be automatically erased after 90 days.

III. **Administrative Responsibilities**

A. It is incumbent on supervisors to ensure officers use MVRs and BWCs according to policy and training guidelines.

B. Officers may review their recordings at any time to perform the requirements of their job (e.g., writing incident reports, prior to legal testimony, etc.). Likewise, supervisors and administrators may review officers’ MVR and BWC recordings at any time or, if the recording is not in the video system, a supervisor may ask for and receive an officer’s video recording at any time for the purpose of reviewing a recorded statement. (41.3.8 g)
C. Requests for copies of videos for internal administrative or supervisory review and department training purposes must be made to the Lieutenant or designee. If the request is deemed appropriate, the Evidence Custodian or designee will produce and distribute the copy as directed. (41.3.8 g)

D. If there is a hearing or other disciplinary matter involving the officer, the officer will be allowed to review the recording of the incident in question. (41.3.8 c) (41.3.8 g)

E. Orders issued by a court of competent jurisdiction for the production of MVR and BWC recordings should be directed to the Lieutenant or designee. A copy of such orders must be promptly provided to the Office of the General Counsel in accordance with the University’s Subpoenas, Complaints, Warrants and other Legal Documents Operating Procedure (http://www.uvm.edu/policies/general_html/subpoenas.pdf) (41.3.8 c)

F. Other than as described above, no copies of department issued MVR or BWC will be produced. Any questions regarding a request for video/audio distribution should be forwarded through the chain of command to the leadership team. (41.3.8 c)

G. If original video/audio media is removed from the property room for court proceedings, a copy shall be made and left in the property room until the original is returned. (41.3.8 c)

H. Annual system-wide audits of randomly selected digital media will be overseen by the Lieutenant. At the Chief/Director’s discretion, this may involve outside auditors.

By Order of the Chief/Director

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