



## VSP-DIR-417

### Audiovisual Equipment and Recordings

---

- Contents:
  - [Purpose](#)
  - [Definitions](#)
  - [Policy](#)
  - [Procedure](#)
    - [Use](#)
    - [Responsibilities of Operators](#)
    - [Responsibilities of Supervisors](#)
    - [Storage](#)
    - [Release](#)
    - [Retention](#)

#### 1.0 Purpose

- 1.1 To ensure uniform and proper use, management, storage, retention, and release of audiovisual equipment and recordings by Vermont State Police members. This includes mobile (cruiser) audiovisual recording equipment (MVR), body worn cameras (BWC), and audiovisual recording equipment maintained at field stations.
- 1.2 These recordings continue to enhance agency transparency and public trust by documenting emergency response, crime scenes, police-citizen encounters and more. Further it provides structure in the preservation and documentation of evidence.

#### 2.0 Definitions

- 2.1 Audiovisual Equipment and Recordings - Equipment and recordings that make use of both hearing and/or sight.
- 2.2 Body Worn Camera (BWC) - an electronic device capable of capturing audio and visual recordings worn on a person's body.
- 2.3 File or Recording - refers to all sounds, images, and metadata captured by audiovisual equipment.
- 2.4 Law Enforcement Officer or Sworn Member or Member - A Vermont law

enforcement officer with the authority to conduct searches and make arrests.

- 2.5 Lethal Force Incident – an incident in which a law enforcement officer uses lethal force, regardless of whether a subject is injured, or an incident in which a law enforcement officer takes action that results in death or serious bodily injury to a person.
- 2.6 Operationally Deployed – means any assignment at or within the outermost containment perimeter of the incident in which it is reasonably expected that the assignment or activities will result in interaction with the public. Assignment at a staging area, command post, or other location beyond the outermost containment perimeter, shall not be considered operationally deployed and are an exception to the BWC recording requirement.
- 2.7 Serious Bodily Injury – means bodily injury that creates any of the following:
  - A. A substantial risk of death;
  - B. A substantial loss or impairment of the function of any bodily member or organ;
  - C. A substantial impairment of health; or
  - D. Substantial disfigurement.
- 2.8 Subject of footage – any identifiable law enforcement officer or any identifiable suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on a recording and shall not include people who only incidentally appear.

### 3.0 Policy

- 3.1 Members shall only use audiovisual recording equipment and storage media issued/authorized by the department.
- 3.2 All members and supervisors using and managing audiovisual equipment and recordings shall be appropriately trained in proper operation and be familiar with this policy. Training will include relevant policy, instruction on operation, how and when to transfer files, and proper identification and categorization of recordings.

- A. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration, and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
- 3.3 All audiovisual equipment and recordings are property of the Department of Public Safety, and the recordings are public records subject to the Vermont Public Records Act, also known as the PRA (1 V.S.A. §§ 315-320).
- 3.4 Under no circumstances shall any member erase, edit, alter, duplicate, share, or otherwise distribute any recordings on their device, except as authorized by this policy. Only designated system administrators are authorized to delete or edit files pursuant to sections 4.7 and 4.8 of this policy.
- 3.5 Only designated staff are authorized to duplicate and distribute copies of recordings pursuant to sections 4.7 and 4.8 of this policy.
- 3.6 In the event that access to stored footage is authorized to a vendor, such as a technician, they shall not be permitted to access, view, copy, alter, or delete footage unless in accordance with this policy and at the express direction of the Department.
- 4.0 Procedure
  - 4.1 Use of Mobile Audiovisual Recording Equipment (MVR) and Body Worn Cameras (BWC)
    - A. MVR and BWC systems, subject to technological limitations, will be set up in a manner to record and retain at least 30 seconds of video footage prior to activation of the system by the user.
    - B. BWCs shall be worn in the upper chest area, as high as practicable, in a manner that maximizes the camera's ability to capture video footage of the member's activities, and in accordance with the manufacturer's recommendations.
    - C. Members should make every attempt to ensure the BWC is not covered by outer garments or other obstructions when activated.
    - D. Except as otherwise provided in this policy, BWCs shall not be deactivated until the encounter has concluded and the member leaves the scene or continued custody of a person has ended.

- E. BWCs and MVRs are not intended for surreptitious use and should not be concealed. Members should not conceal the presence of a BWC and shall not use the BWC to record secretly, unless authorized by a judicial order.
- F. Members using MVR and/or BWC equipment shall record both video and audio in the following situations including, but not limited to:
  - 1. At the beginning of any investigative or enforcement encounter between a member and a member of the public, except when an immediate threat to the member's life or safety makes activation impossible or dangerous. Members shall activate the MVR and BWC at the first reasonable opportunity to do so.
  - 2. All requests to conduct a search and the performance of any search to include canine searches.
  - 3. During the administration of Miranda Warnings and any responses.
  - 4. Any incident in which a member reasonably anticipates the need to deploy force as defined within [VSP-DIR-701 Use of Force](#).
  - 5. Special Team Assignments
    - a. The expectation is that all activity will be captured by the BWC when a member is operationally deployed during special team activations.
    - b. Members not operationally deployed shall not be required to have their BWC actively recording.
    - c. Members should activate their MVR system when the activation may aid in the operation or documentation of evidence. This may include, but is not limited to, when the special team member is part of the initial response.
    - d. Members will ensure BWCs are actively recording during any movement necessitated by a change of assignment which occurs during a special team activation. Should the change of assignment result in the member no longer being operationally deployed, the member may cease active recording of the BWC upon arrival at the newly assigned location.

- e. Members shall be cognizant events at such incidents may rapidly evolve. Members not operationally deployed shall make reasonable efforts, when possible, to activate MVR and/or BWC recording should circumstances necessitate swift change in deployment status.
- G. Nothing within this policy precludes a member from activating an audiovisual recording device if they believe the circumstances justify additional documentation based upon their training and/or experience.
- H. There are occasions where a member should not initiate a recording; or if an audiovisual recording has been initiated, the member determines it necessary to pause or stop the recording prior to the conclusion of the event. If the member pauses or stops a recording, they shall document the reason for the termination or suspension of the recording. Acceptable reasons for discontinuing recording include:
  - 1. During on scene conferences between members, officers, supervisors, advocates, clinicians, EMS personnel, prosecutors, attorneys, or other situations in which the member determines the conference would violate confidentiality, privacy, or individual rights.
  - 2. Conferences between members and supervisors that might compromise this or further investigations or would otherwise impede law enforcement efforts or strategy.
  - 3. Encounters with undercover members or confidential informants.
  - 4. If a person reporting a crime or assisting with an investigation requests to remain anonymous, the recording may be stopped.
  - 5. During times of prolonged waiting absent citizen contact such as waiting for a tow truck, funeral home or similar.
  - 6. Recordings shall not be made to record personal activities such as meal breaks or conversations with other members, supervisors, or staff outside of the scope of ongoing field activities.
  - 7. Recordings are not expected during non-enforcement activities.
  - 8. Recordings are not expected during the execution of a search warrant for evidence of child pornography where capturing recordings of

such material and uploading them to a third-party vendor's storage would constitute a crime.

9. Recordings are not expected during operations such as routine regulatory functions that are unique to specialized law enforcement agencies.
  10. BWC recordings are not expected during transports conducted pursuant to a transport order or when a cruiser camera is enabled and captures the individual being recorded.
- I. Recording should resume as soon as one of the above reasons no longer exists.
  - J. Prior to entering a private residence, or premise where there is a reasonable expectation of privacy, without a warrant or in non-exigent circumstances, members shall notify the occupant(s) of the use of a MVR or BWC as soon as practical.
    1. If an occupant with privacy rights objects to the operation of the body cameras, a member shall consider the need to continue the encounter. If the member has no lawful basis to continue the encounter absent consent, the member shall consider terminating the encounter. If the member has a lawful basis to continue the encounter or remain present, other than the individual's consent, the member may continue using the body camera.
  - K. If entering a private residence pursuant to a search warrant, members shall, at the time of applying for the search warrant, consult with the State's Attorney's Office or Attorney General's Office to determine whether a search warrant is needed for use of the body worn camera.
    1. Members should consider including the capture of photographic and/or video evidence in search warrant applications to document the condition of the premise(s), vehicle(s), or article(s) to be searched.
  - L. Instances in which an individual requests a member to discontinue use of a BWC and the responses thereto shall be recorded prior to discontinuing the use of the BWC.
  - M. Prohibited Use of BWCs:
    1. Members shall, upon request of a victim of domestic or sexual

violence, stop recording, provided the scene has been stabilized and made safe following initial response.

2. Once a scene has been stabilized and made safe by law enforcement, recording shall stop for victims of domestic or sexual violence during interactions involving matters of safety planning or related to victim privacy.
  3. Members shall not activate a BWC while on the grounds of any public, private, or parochial elementary or secondary school, nor within a hospital or medical facility except when responding to an imminent threat to life or health or when a use of force is anticipated.
    - a. This prohibition does not prevent members from using BWCs as recording devices as part of an investigatory interview in a private setting within a school or medical environment.
  4. Member shall not use BWCs to record for the sole purpose of gathering intelligence information of First Amendment protected activities such as speech, associations, or religion.
    - a. This shall not be construed to limit lawful use of BWCs to record investigative encounters between a member and a member of the public or activity that raises an articulable suspicion of possible ongoing or imminent criminal conduct.
  5. Members shall not run recordings through facial recognition or automated analysis programs without appropriate judicial review, except for automated redaction processes which are not for the purpose of identification or comparison to any other source.
  6. Recording should resume as soon as any exception no longer exists.
- N. If a member pauses or stops a recording, or uses a mute feature, they shall document the reason for suspension, termination, or muting of the recording.
- O. Review of Recordings
1. Except as otherwise prohibited (see section 4.1(O)(2) below), Members may review MVR/BWC recordings prior to writing about incidents or arrests.

2. In situations that result in a member involved shooting, or death or serious bodily injury to a member of the public due to the actions of a member, the member shall not review any recordings or be provided an account of any recordings of the incident prior to being interviewed or writing a report, unless doing so is necessary, while in the field, to address an immediate threat to life or safety.
  3. See [Appendix A](#) for procedures following a lethal force incident.
- P. Non-law enforcement personnel shall not be allowed to review the recordings at the scene. They may request to inspect or be provided a copy of the recording under the Vermont Public Records Act.

#### 4.2 Assignment of Audiovisual Recording Equipment

- A. All sworn members of VSP are issued a cell phone that is capable of audiovisual recording. BWCs are issued to sworn members assigned to patrol functions and to members of special teams. MVRs are maintained in patrol units. Members who are assigned BWC or MVR equipment must use the equipment unless otherwise authorized by supervisory personnel.

#### 4.3 Responsibilities of Operators

- A. Members shall be responsible for operation, care, and maintenance of assigned audiovisual recording equipment. Maintenance shall be performed in accordance with manufacturer recommendations.
- B. Prior to each shift, or in the case of deployment for a specific assignment, members shall determine the audiovisual recording equipment is operational, fully charged, and free of any defects, and must complete a standard pre-operational system check and inspection. The completion of the pre-operational check shall be recorded by the member on the video recording at the start of the shift, and as necessary during the shift.
- C. During interactions where there is an expectation that a MVR or BWC would be activated, members should periodically check to ensure that it is working properly.
1. In the event that a MVR or BWC fails to activate and begin recording or fails to cease recording, the member will describe the failure, with additional relevant details, in a written report.



- D. A shift supervisor will be notified, as soon as possible, if any problems are discovered with the operation of the equipment. The member will also ensure a notation is entered in their radio log denoting the equipment is inoperable. When practical, the member should make use of one of the spare cameras if available.
- E. Members are responsible for categorizing each recording appropriately. The tags or categories correspond to retention period, therefore members must take extreme care to properly categorize each recording. Intentionally miscategorizing recordings will result in appropriate disciplinary action.
- F. The use of audiovisual equipment shall be noted in the appropriate incident report. Audiovisual recordings are not a substitute for written reports.
- G. Members should be aware of the storage capacity of the MVR and BWC system and monitor its status regularly. Transfer and or upload of recorded video to the Department's storage should be completed as soon as practical, and prior to use by another member or reaching the storage capacity of the device.
- H. Record After the Fact (RATF) Function:
  - 1. The RATF function allows a user to access passive video stored on the MVR/BWC hard drive not designated as a recorded event.
  - 2. Members with a legitimate law enforcement purpose may access passive video on the MVR hard drive and convert it into a designated event by using the RATF function. For instances where the passive video is captured on a BWC, this can be accomplished via the Watchguard Evidence Library when the BWC is docked in the cradle and active.
  - 3. All other access to passive video on the MVR/BWC hard drive will be at the direction of the Director or designee. When requesting hard drive passive video, the request should contain a specific date and time range for the incident. After approval has been received, a member with either supervisory or administrator access rights may download the video.
- I. Changes to the MVR/BWC configurations are not permitted without the approval of the Director or designee.

- J. If a member is using another member's assigned cruiser equipped with MVR/BWC, the member temporarily using the cruiser shall log into the MVR/BWC.
- K. Members are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
- L. Should any member fail to adhere to the recording requirements contained in this policy, intentionally interfere with the ability of a BWC or MVR to accurately capture video footage, or otherwise manipulate video footage captured during or after its operation, shall be subject to disciplinary action.

#### 4.4 Responsibilities of Supervisors

- A. Upon notification of equipment malfunction, supervisors shall ensure a notation has been made in the member's radio log and direct the member to obtain a spare BWC if available. The supervisor shall further ensure action is taken by the member to repair the equipment and it subsequently returns to service. In the case of a special team deployment, any inoperable recording equipment shall be noted by the member in their report and be reported to the Team Commander for documentation in the summary report.
- B. Supervisors shall ensure that members who utilize audiovisual recording equipment comply with established policies, procedures and guidelines.
- C. Supervisors will randomly review videos produced by members from both MVR and BWC recording systems (at least 1 event per member per quarter) for the purpose of ensuring compliance with established policies, verifying the equipment is functioning properly, to identify any areas in which additional training or guidance is required and to identify material that would be appropriate for training. The supervisor's review shall be documented in Guardian Tracking.
- D. The Station Commander, or designee, shall be responsible for the maintenance of audiovisual recording equipment and media containing recordings.

#### 4.5 Processing Room/Interview Room Recordings

- A. Members shall utilize recording equipment at a field station to capture extended interactions with individuals in police custody (i.e. processing of suspected DUI).
- B. Any recording device in the processing/interview room will be put in “mute” mode when defendants are consulting with their attorney either on the phone or in person.
- C. Any custodial interview of individuals concerning the investigation of a homicide (Chapter 53 of Title 13) or sexual assault (Chapter 72 of Title 13) shall be electronically recorded in its entirety. Members shall capture in the video both the interrogator(s) and the person being interrogated. See [VSP-DIR-501 Criminal Investigations Introduction](#) for additional details.
- D. “Electronic recording” is defined in 13 V.S.A. § 5585 as “an audio and visual recording that is an authentic, accurate, unaltered record of a custodial interrogation, or if law enforcement does not have the current capacity to create a visual recording, an audio recording of the interrogation.”
- E. DVD or videotapes containing recordings of the processing or interview rooms shall be labeled in the following manner:
  - 1. Date and time of the recording.
  - 2. Case number.
  - 3. Name of the investigating member.
- F. All processing room/interview room recordings shall be stored in the same method as audio recordings from digital recorders. See [VSP-DIR-334 Digital Voice Recorders](#) for additional information.

#### 4.6 Storage

- A. Storage of MVR and BWC Digital Video Files
  - 1. In a secure location, each station shall maintain a computer workstation to function as the Watchguard Evidence Library.
  - 2. When an arrest has been made, a search is performed, an incident involving use of force occurs, a noteworthy event transpires, or the

storage reaches capacity, the corresponding video shall be transferred from the MVR and/or BWC to the Watchguard Evidence Library computer workstation for storage as soon as practicable.

3. During the retention period, all digital video files shall be stored and retained within the Watchguard Evidence Library.
4. In cases where a copy of a video file is needed for court or department purposes, the video file should be shared using approved storage media or electronic transfer. In either event, the video file should be identified by date and time, case number, and officer's name, and should be protected from unauthorized access.

#### B. Storage of Audiovisual media

1. Each station shall maintain a secure location for storage of audiovisual media.
2. The storage location shall remain locked and accessible to supervisory personnel or their designee only.
3. During the mandatory retention period, all media shall be returned to the cabinet following their removal for review or duplication.
4. Each storage media shall be identified and labeled as follows:
  - a. Member's Name
  - b. Case number(s)
  - c. Date(s)
  - d. Vehicle Identification (if applicable)

#### 4.7 Release

- A. All audiovisual recordings of the Department of Public Safety, including those reflecting the initial arrest of a person, including any ticket, citation, or complaint issued for a traffic violation, as that term is defined in 23 V.S.A. § 2302, shall be released or disseminated to the public. Release shall occur upon approval of the Director or designee.
- B. Audiovisual recordings shall be released, or released with redaction, in

accordance with Vermont's Public Records Act and other applicable statutes.

- C. Recordings and files shall only be used for official purposes.
- D. The Department shall make a good faith effort to locate recordings of interest to the public. If recordings exist of an interaction or event captured by a BWC and that interaction or event is identified with reasonable specificity, the agency will make that recording(s) available for review or release consistent with 1 V.S.A. § 317 and any other applicable records release schedule.

#### 4.8 Retention of Records

- A. The Director is responsible to ensure that retention schedules are followed.
- B. At a minimum, all audiovisual recordings shall be retained at the station level in accordance with applicable statutes, respective record schedules, and [VSP-DIR-134 Records and Information Management](#).
- C. Any employee who intentionally fails to adhere to the retention requirements contained in this policy shall be subject to appropriate disciplinary action.
- D. When a MVR or BWC fails to capture some or all of the audio or video and an incident due to malfunction, displacement of camera, or any other cause, any audio or video footage that is captured shall be treated as any other recording described in this policy.
- E. Recordings related to the following will be retained indefinitely and require manual deletion:
  - 1. Officer involved shootings;
  - 2. Major incidents such as mass arrests;
  - 3. Offenses listed under 33 V.S.A. § 5204(a)
  - 4. Homicides;
  - 5. Active missing persons cases.

- F. Audiovisual recordings authorized for destruction through a record schedule shall be destroyed when retention requirements have been met using the following methods (based on storage media): DVDs shall be destroyed utilizing a DVD shredder or other approved destruction method; analog tapes shall be destroyed in a manner that renders them incapable of being further viewed; and digital video files shall be hard deleted from the Watchguard Evidence Library.
- 4.9 When a member equipped with a BWC is involved in, or witness to, or within audio or sight range of a police use of force that results in a death or serious bodily injury, discharge of a firearm for purposes other than humane destruction of an animal, or when any member's conduct becomes the subject of a criminal investigation:
- A. Such member's BWC shall be immediately seized by the Department, or any agency conducting the related criminal investigation, and maintained in accordance with the rules governing preservation of evidence.
  - B. All files on the seized BWC shall be maintained in accordance with the rules governing the preservation of evidence.
  - C. The procedure referenced in the [Vermont Model Body Worn Camera Policy Appendix A](#) "Lethal force incident procedures and statewide policy on review of BWC recordings following lethal force incidents."
- 4.10 Nothing in this policy shall be read to contravene any laws governing the maintenance, production, and destruction of evidence in criminal investigation and prosecutions.

Effective October 15, 1999

Revised January 1, 2001

Revised May 25, 2010

Revised April 25, 2015

Revised December 20, 2017

Revised October 26, 2018 (VSP-DIR-348 merged with VSP-DIR-417)

Revised January 3, 2020

Revised November 10, 2020

Revised April 20, 2022

Revised February 8, 2023

The Vermont State Police Manual provides only internal Vermont State Police guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any civil, criminal, or administrative matter. It is not intended to and does not apply in any criminal or civil proceeding outside of internal Department proceedings. No policy included in this publication should be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to third party claims.